
Indiana Register

Intent to Readopt Rules

Indiana Port Commission	2854
Bureau of Motor Vehicles	2854
Indiana State Board of Education	2854
State School Bus Committee	2855
State Student Assistance Commission	2855
Worker's Compensation Board of Indiana	2856
Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	2856
Medical Licensing Board of Indiana	2857
Indiana Board of Pharmacy	2858
Indiana Optometric Legend Drug Prescription Advisory Committee ..	2860
State Psychology Board	2861

Proposed Readopted Rules

Bureau of Motor Vehicles	2862
Professional Standards Board	2892
Medical Licensing Board of Indiana	2892
Indiana State Board of Nursing	2893
Veterans' Affairs Commission	2894

Final Readopted Rules

State Personnel Department	2895
Natural Resources Commission	2895
Indiana State Board of Animal Health	2895
State Board of Dentistry	2895
Indiana Optometric Legend Drug Prescription Advisory Committee ..	2896
State Psychology Board	2896
Indiana Athletic Trainers Board	2897

Readopted Rules

TITLE 130 INDIANA PORT COMMISSION

LSA Document #01-146

Under IC 4-22-2.5-3, the Indiana Port Commission intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted and amended are as follows:

- 130 IAC 1-1 Definitions
- 130 IAC 1-2 Operation of Vehicles on Port Road and in Port Area
- 130 IAC 1-3 Port Use
- 130 IAC 1-4 Transportation of Radioactive Material
- 130 IAC 1-5 Water Traffic
- 130 IAC 1-6 Environmental Assessment; Environmental Impact Statement

The intent and scope of the proposed readoption is to update, clarify, and revise all rules under 130 IAC and put them in a more usable format.

Questions or comments on the readoption may be addressed to William T. Niemier, General Counsel, at (317) 232-9200. Statutory authority: IC 8-10-1-7; IC 8-10-1-9.

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-155

Under IC 4-22-2.5-4, the Bureau of Motor Vehicles intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted without changes are as follows:

- 140 IAC 8-1-1 Purpose
- 140 IAC 8-1-2 Intent
- 140 IAC 8-3-6 Miscellaneous items sold service charge
- 140 IAC 8-3-7 Credit card handling service charge
- 140 IAC 8-3-9 Operator's license service charge
- 140 IAC 8-3-10 Handicapped parking placard eligibility, fees, and service charges
- 140 IAC 8-3-11 Excise tax collection service charges

Questions or comments on the readoption may be directed by mail to the Indiana Bureau of Motor Vehicles, 100 North Senate Avenue, Room N440, Indianapolis, Indiana 46204 or by electronic mail to tbrown@bmv.state.in.us. Statutory authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #01-164

Under IC 4-22-2.5-4, the Indiana State Board of Education intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted and amended are as follows:

- 511 IAC 1-1 Submission of Authorized Reports
- 511 IAC 1-2 Teacher Summer Employment Tax Credits
- 511 IAC 1-2.5 School Technology Advancement Account
- 511 IAC 1-3 Determining and Reporting Attendance and Membership for State Support
- 511 IAC 1-6 Transfers and Transfer/Tuition
- 511 IAC 1-6-1 Definitions
- 511 IAC 1-6-5 Payment of transfer tuition; interest; due date; determination of penalty, interest
- 511 IAC 1-7 Residence in state longer than 30 days
- 511 IAC 1-8 PRIME TIME Program
- 511 IAC 2-5 Administration of the Veterans Memorial School Construction Fund
- 511 IAC 3 REORGANIZATION OF SCHOOL CORPORATIONS
- 511 IAC 4-2 Student Health Testing
- 511 IAC 4-4-1 Purpose of centers
- 511 IAC 4-4-2 Membership units; establishment
- 511 IAC 4-4-5 Governance; executive board; advisory council
- 511 IAC 4-4-6 Programs and services; coordination
- 511 IAC 4-4-7 Fiscal responsibility; administration costs; withdrawal of corporation; financial support
- 511 IAC 5-2 Indiana Statewide Testing for Educational Progress (ISTEP) Program
- 511 IAC 6-2 Requirements for Certified, Commissioned Schools
- 511 IAC 6-6 Driver Education
- 511 IAC 6-7-9 Military experience
- 511 IAC 6-8-4 Application contents
- 511 IAC 6-10 Postsecondary Enrollment Program
- 511 IAC 6.1-1-1 Performance-based accreditation
- 511 IAC 6.1-1-3 Accreditation levels
- 511 IAC 6.1-1-4 Accreditation requirements
- 511 IAC 6.1-1-5 Accreditation procedures
- 511 IAC 6.1-1-6 Full accreditation status, school and school corporation
- 511 IAC 6.1-1-8 Composition of the on-site review panel
- 511 IAC 6.1-1-9 Duties of the on-site review panel
- 511 IAC 6.1-1-10 Recommendations of the on-site review panel
- 511 IAC 6.1-1-11 Determination by the state board

Readopted Rules

511 IAC 6.1-1-12 Duties of the governing body
511 IAC 6.1-1-13 Action by the state board
511 IAC 6.1-1-14 Recommendations to the general assembly
511 IAC 6.1-1-15 Right of appeal; assistance; school improvement plan
511 IAC 6.1-2-1 General requirements
511 IAC 6.1-2-3 Emergency preparedness drills
511 IAC 6.1-2-4 Health tests
511 IAC 6.1-2-5 Eye protection devices
511 IAC 6.1-2-6 Pupil personnel services
511 IAC 6.1-3 Minimum Time Requirements
511 IAC 6.1-4 Staff-Student Ratio Requirements
511 IAC 6.1-5-0.5 General curriculum principles

511 IAC 6.1-5-2.5 Elementary school curriculum
511 IAC 6.1-5-5 Textbooks
511 IAC 6.1-5-6 Media program
511 IAC 6.1-5-7 Special education
511 IAC 6.1-5-8 Limited-English proficient students
511 IAC 6.1-5-1-11 Other acceptable courses
511 IAC 6.1-6 Instructional Staff Requirements
511 IAC 6.1-7-2 ISTEP program
511 IAC 6.1-8 Performance-Based Award and Incentive Program
511 IAC 6.1-9 Nonpublic School Recognition
511 IAC 6.1-10 Indiana 2000 Schools
511 IAC 9 TEXTBOOK ADOPTIONS
511 IAC 10-6 Staff Performance Evaluation
511 IAC 11 ADULT EDUCATION
511 IAC 12 SUMMER SCHOOL PROGRAMS

Questions or comments on the readoption may be directed by mail to Mr. Jeffery P. Zaring, State Board Administrator, Indiana Department of Education, Room 229 State House, Indianapolis, Indiana 46202 or by electronic mail to jzaring@doe.state.in.us. Statutory authority: IC 20-1-1-6; IC 20-1-1-6.2; IC 20-1-1-6.3; IC 20-1-1.2-18; IC 20-1-1.3-9; IC 20-1-11-1; IC 20-10.1-6.5-5; IC 20-10.1-7-12; IC 20-10.1-9-2; IC 20-10.1-16-10; and IC 21-1-30-9.

TITLE 575 STATE SCHOOL BUS COMMITTEE

LSA Document #01-165

Under IC 4-22-2.5-4, the State School Bus Committee intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted without changes are as follows:

575 IAC 1-1-1 Applicability of specifications; definitions
575 IAC 1-1-2 Purchasing specifications
575 IAC 1-1-4 Written certification of compliance
575 IAC 1-1-5 Applicability of minimum specifications
575 IAC 1-2 Type I Vehicles
575 IAC 1-2.5 Type B School Bus
575 IAC 1-3 Type II Vehicles
575 IAC 1-4 Transit Vehicles
575 IAC 1-5 Vehicles for Transporting the Handicapped
575 IAC 1-5.5-1 General requirements
575 IAC 1-5.5-2 Aisles
575 IAC 1-5.5-5 Power lift
575 IAC 1-5.5-6 Regular service entrance door
575 IAC 1-5.5-7 Special light
575 IAC 1-5.5-8 Special service entrance
575 IAC 1-5.5-9 Special service entrance door
575 IAC 1-5.5-10 Panels
575 IAC 1-5.5-11 Special requirements
575 IAC 1-7 Optional Equipment

Questions or comments on the readoption may be directed by mail to Mr. Pete Baxter, Chairman, Indiana State School Bus Committee, Room 229 State House, Indianapolis, Indiana 46202 or by electronic mail to pbaxter@doe.state.in.us. Statutory authority: IC 20-9.1-4-4.

TITLE 585 STATE STUDENT ASSISTANCE COMMISSION

LSA Document #01-147

Under IC 4-22-2.5-3, the State Student Assistance Commission intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted and amended are as follows:

585 IAC 1-9 Grant and Scholarship Programs
585 IAC 5 COLLEGE WORK-STUDY PROGRAM
585 IAC 8 TWENTY-FIRST CENTURY SCHOLARS PROGRAM

Questions or comments on the readoption may be directed by mail to the State Student Assistance Commission of Indiana, 150 West Market Street, Suite 500 or by electronic mail to dobergfe@ssaci.state.in.us. Statutory authority: IC 20-12-20.5-2; IC 20-12-21-5; IC 20-12-70-15.

Readopted Rules

TITLE 631 WORKER'S COMPENSATION BOARD OF INDIANA

LSA Document #01-178

Under IC 4-22-2.5-4, the Worker's Compensation Board of Indiana intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted without changes are as follows:

- 631 IAC 1-1-2 Forms; publication and distribution of pamphlets
- 631 IAC 1-1-3 Rules of practice in proceedings
- 631 IAC 1-1-4 Pleadings in subsequent proceedings
- 631 IAC 1-1-5 Pleadings and papers to be printed or type-written; filing; service
- 631 IAC 1-1-6 Plaintiffs
- 631 IAC 1-1-7 Defendants
- 631 IAC 1-1-8 Answers; affirmative defenses
- 631 IAC 1-1-9 Disclaimer
- 631 IAC 1-1-10 Expediting proceedings; notice of hearings; continuances
- 631 IAC 1-1-11 Stipulations
- 631 IAC 1-1-12 Testimony; depositions
- 631 IAC 1-1-13 Pleadings or depositions in foreign language; translation
- 631 IAC 1-1-14 Foreign plaintiffs; power of attorney
- 631 IAC 1-1-15 Facts upon review; additional evidence; oral arguments
- 631 IAC 1-1-16 X-ray films; admissibility
- 631 IAC 1-1-17 Number of witnesses; challenging jurisdiction of board; insurance as proof of compliance
- 631 IAC 1-1-18 Advice and information furnished by secretary of board
- 631 IAC 1-1-19 Powers and duties of secretary of board
- 631 IAC 1-1-20 Claim register; card index of claims
- 631 IAC 1-1-21 Certified copies of records, orders, and transcripts
- 631 IAC 1-1-22 Appeal to court of appeals
- 631 IAC 1-1-23 Representing litigants before board
- 631 IAC 1-1-25 Claims for fees; disputes
- 631 IAC 1-1-26 Compensation agreements; failure to make payment
- 631 IAC 1-1-27 Time period of payments; memorandum of termination
- 631 IAC 1-1-28 Reports by employers
- 631 IAC 1-1-29 Self-insurers; application for certification
- 631 IAC 1-1-30 Request for certification of compliance
- 631 IAC 1-1-31 Second injury fund

Questions or comments on the readoption may be directed by mail to the Worker's Compensation Board of Indiana, Indiana

Government Center-South, 402 West Washington Street, Room W196, Indianapolis, Indiana 46204, or by electronic mail to Sandra Cerimele-Fralich at sfralich@wcb.state.in.us. Statutory authority: IC 22-3-1-3(a).

TITLE 631 WORKER'S COMPENSATION BOARD OF INDIANA

LSA Document #01-182

Under IC 4-22-2.5-3, the Worker's Compensation Board of Indiana intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted and amended are as follows:

- 631 IAC 1-1-1 Location and hours of board office
- 631 IAC 1-1-24 Schedule of attorney fees

Questions or comments on the readoption may be directed by mail to the Worker's Compensation Board of Indiana, Indiana Government Center-South, 402 West Washington Street, Room W196, Indianapolis, Indiana 46204, or by electronic mail to Sandra Cerimele-Fralich at sfralich@wcb.state.in.us. Statutory authority: IC 22-3-1-3(a).

TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD

LSA Document #01-156

Under IC 4-22-2.5-4, the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted without changes are as follows:

- 839 IAC 1-1-1 Applicability
- 839 IAC 1-1-3.6 "LMFT" defined
- 839 IAC 1-1-3.7 "LMHC" defined
- 839 IAC 1-1-3.8 "LSW" defined
- 839 IAC 1-2-3 Verification; board authority
- 839 IAC 1-4-4 Standards for the competent practice of marriage and family therapy
- 839 IAC 1-4-7 Examination exemption for marriage and family therapists

- 839 IAC 1-5-4 Exemption from examination for mental health counselors
- 839 IAC 1-5-5 Standards for the competent practice of mental health counseling
- 839 IAC 1-6-4 Continuing education audit

Questions or comments on the readoption may be directed by mail to the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to wlowhorn@hpb.state.in.us. Statutory authority: IC 25-23.6-2-8.

TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD

LSA Document #01-157

Under IC 4-22-2.5-3, the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rule to be readopted and amended is as follows:

- 839 IAC 1-2-5 Fees

Questions or comments may be directed by mail to the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204, or by electronic mail to wlowhorn@hpb.state.in.us. Statutory authority: IC 25-23.6-2-8.

TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD

LSA Document #01-158

Under IC 4-22-2.5-3, the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted and amended are as follows:

- 839 IAC 1-1-3.5 "LCSW" defined
- 839 IAC 1-1-4 "Practitioner" defined

- 839 IAC 1-2-1 Application
- 839 IAC 1-2-2 License renewal
- 839 IAC 1-3-1 Educational institution requirements for social worker's licensure
- 839 IAC 1-3-2 Licensure by examination for social workers and clinical social workers
- 839 IAC 1-3-2.5 Temporary permits for social workers and clinical social workers
- 839 IAC 1-3-3.5 Exemption from examination for social workers and clinical social workers
- 839 IAC 1-3-4 Standards for the competent practice of social work
- 839 IAC 1-3-4.5 Enrollment
- 839 IAC 1-4-5 Supervision for marriage and family therapist licensure applicants
- 839 IAC 1-4-6 Temporary permits for marriage and family therapists
- 839 IAC 1-5-1 Educational requirements
- 839 IAC 1-5-2 Examination requirements
- 839 IAC 1-6-1 Continuing education
- 839 IAC 1-6-2 Approval of continuing education programs
- 839 IAC 1-6-3 Continuing education requirements
- 839 IAC 1-6-5 Request for a waiver of continuing education requirement

Questions or comments may be directed by mail to the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204, or by electronic mail to wlowhorn@hpb.state.in.us. Statutory authority: IC 25-23.6-2-8.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-170

Under IC 4-22-2.5-4, the Medical Licensing Board of Indiana intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted without changes are as follows:

- 844 IAC 5 STANDARDS OF PROFESSIONAL CONDUCT AND COMPETENT PRACTICE OF MEDICINE
- 844 IAC 6-1 General Provisions
- 844 IAC 6-3 Admission to Practice
- 844 IAC 6-4 Registration of a Licensed Physical Therapist and Physical Therapists' Assistants
- 844 IAC 6-5 Denial of License
- 844 IAC 6-6 Reinstatement of Suspended License

Readopted Rules

844 IAC 6-7 Standards of Professional Conduct
844 IAC 7 REINSTATEMENT TO PRACTICE
844 IAC 10-1 General Provisions
844 IAC 10-3 Admission to Practice
844 IAC 10-4 Certification
844 IAC 10-5 Standards of Competent Practice of Occupational Therapy

Questions or comments on the readoption may be directed by mail to the Medical Licensing Board of Indiana, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to ajones@hpb.state.in.us. Statutory authority: IC 25-22.5-2-7.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-148

Under IC 4-22-2.5-3, the Indiana Board of Pharmacy intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rule to be readopted and amended is as follows:

856 IAC 1-27-1 Fees

Readopts and amends a rule regarding the fees to practice pharmacy.

Questions or comments on the readoption or amendments may be directed by mail to the Indiana Board of Pharmacy, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to mbina@hpb.state.in.us. Statutory authority: IC 25-20-1-23.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-149

Under IC 4-22-2.5-3, the Indiana Board of Pharmacy intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rule to be readopted and amended is as follows:

856 IAC 2-3-9 Registration fees

Readopts and amends a rule regarding fees for the registration for the use of controlled substances.

Questions or comments on the readoption may be directed by mail to the Indiana Board of Pharmacy, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to mbina@hpb.state.in.us. Statutory authority: IC 25-20-1-23.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-150

Under IC 4-22-2.5-3, the Indiana Board of Pharmacy intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted without changes are as follows:

856 IAC 1-1.1 Definitions
856 IAC 1-2-4 Service by mail sufficient notice
856 IAC 1-3.1-1 Licensure by examination
856 IAC 1-3.1-2 Information for licensure
856 IAC 1-3.1-5 Pharmacist intern/extern; experience requirement
856 IAC 1-3.1-9 Pharmacist intern/extern; practical experience affidavits
856 IAC 1-3.1-11 Out-of-state externship and other practical experience programs; postgraduate requirements; taking licensure examination before completion of practical experience
856 IAC 1-3.1-13 Fraud or misrepresentation in applying for or taking examination
856 IAC 1-7-1 Change of pharmacy ownership
856 IAC 1-7-2 Application for permit to conduct pharmacy
856 IAC 1-7-3 Relocation of pharmacy
856 IAC 1-7-4 Licensed pharmacist required for each pharmacy
856 IAC 1-13-3 "Prescription department closed" closing hours; electronic monitoring; applicability
856 IAC 1-13-4 Record of hours open without a pharmacist on duty
856 IAC 1-29-2 On-line retrieval and printout capabilities; data requirements; discontinuance of system
856 IAC 1-29-3 Hard-copy of daily dispensing; verification and retention; back-up capability
856 IAC 1-29-4 Auxiliary system
856 IAC 1-29-5 Safeguards
856 IAC 1-29-6 Data entry; supervision
856 IAC 1-29-9 Applicability of rule
856 IAC 1-30-1 Purpose
856 IAC 1-30-2 "Biological safety cabinet" defined

Readopted Rules

856 IAC 1-30-3 "Class 100 environment" defined
856 IAC 1-30-4 "Cytotoxic" defined
856 IAC 1-30-6 "Sterile pharmaceutical" defined
856 IAC 1-30-7 Policy and procedure manual
856 IAC 1-30-8 Physical requirements
856 IAC 1-30-10 Support personnel
856 IAC 1-30-11 Staffing
856 IAC 1-30-12 Profile or medication record system
856 IAC 1-30-16 Emergency kit
856 IAC 1-30-17 Cytotoxic drugs
856 IAC 1-31 Facsimile Machines
856 IAC 1-33 Counseling
856 IAC 1-34-1 Applicability
856 IAC 1-34-3 Preprinted controlled substance prohibition
856 IAC 1-34-4 Exemption
856 IAC 1-34-5 Approval
856 IAC 1-35 Pharmacy Technicians
856 IAC 1-36 Temporary Variances

Rules to be readopted and amended are as follows:

856 IAC 1-2-1 Display of certificate
856 IAC 1-2-2 Illegal display of certificate; prohibition
856 IAC 1-2-3 Notification of address change
856 IAC 1-3.1-3 Passing scores
856 IAC 1-3.1-4 Re-examination
856 IAC 1-3.1-6 Board approval required for practical experience programs for pharmacist intern/extern registration; pharmacy permit required, exceptions; prior approval of nonpharmacy experience site; minimum-maximum hours of practical experience
856 IAC 1-3.1-7 Pharmacist intern/extern; program requirements
856 IAC 1-3.1-12 Out-of-state practical experience; reciprocity
856 IAC 1-4 Reciprocity
856 IAC 1-15 Pharmacist's Notification of Termination
856 IAC 1-20 Violations and Penalties
856 IAC 1-21 Resale of Returned Substances
856 IAC 1-23 Dispensing of Dangerous Drugs
856 IAC 1-26 Continuing Professional Education
856 IAC 1-29-1 Approval of electronic data processing system
856 IAC 1-30-5 "Pharmacist-in-charge" defined
856 IAC 1-30-9 Personnel
856 IAC 1-30-13 Labeling
856 IAC 1-30-14 Records and reports
856 IAC 1-30-15 Disposal of infectious waste
856 IAC 1-30-18 Quality assurance
856 IAC 1-32 Transfer of Prescriptions Between Pharmacies
856 IAC 1-34-2 Security feature requirements
856 IAC 1-36-5 Renewal

Rules to be repealed are as follows:

856 IAC 1-3.1-10 Pharmacist intern/extern; unacceptable experience time
856 IAC 1-5 Recognition of Accredited Schools
856 IAC 1-12 Poisons
856 IAC 1-29-7 Existing systems; compliance date

Readopts, amends, and repeals rules regarding the practice of pharmacy.

Questions or comments on the readoption may be directed by mail to the Indiana Board of Pharmacy, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to mbina@hpb.state.in.us. Statutory authority: IC 25-20-1-23.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-151

Under IC 4-22-2.5-3, the Indiana Board of Pharmacy intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted without changes are as follows:

856 IAC 2-1 Definitions
856 IAC 2-2 Code Numbers—Schedules I through IV
856 IAC 2-3-1 Registration information furnished upon request
856 IAC 2-3-2 Persons required to register
856 IAC 2-3-3 Independent activities; separate registration required; exceptions
856 IAC 2-3-4 Separate registrations for separate locations; exceptions
856 IAC 2-3-5 Exemption of agents or employees; affiliated practitioners; paramedics
856 IAC 2-3-6 Exemption of military or public health service personnel
856 IAC 2-3-7 Exemption of law enforcement officers; registration of law enforcement laboratories
856 IAC 2-3-8 Exemption of civil defense officials
856 IAC 2-3-11 Persons exempt of fee
856 IAC 2-3-12 Time for registration or re-registration application
856 IAC 2-3-16 Additional information; failure to supply
856 IAC 2-3-17 Amendment or withdrawal of application
856 IAC 2-3-18 Inspection and review of application by board
856 IAC 2-3-19 Certificate of registration; denial of registration

Readopted Rules

856 IAC 2-3-20 Suspension or revocation of registration
856 IAC 2-3-21 Suspension pending final order
856 IAC 2-3-22 Extension of registration pending re-registration order
856 IAC 2-3-23 Order to show cause
856 IAC 2-3-25 Hearing procedures
856 IAC 2-3-26 Modification or waiver of rules
856 IAC 2-3-27 Modification of registration
856 IAC 2-3-28 Termination of registration; notice to board
856 IAC 2-3-29 Transfer of registration
856 IAC 2-3-30 Security requirements; approval of security system
856 IAC 2-3-31 Storage areas; security controls for nonpractitioners
856 IAC 2-3-32 Manufacturing areas; security controls for nonpractitioners
856 IAC 2-3-33 Additional security controls for nonpractitioners
856 IAC 2-3-34 Storage; security controls for practitioners
856 IAC 2-3-35 Additional security controls for practitioners
856 IAC 2-4 Records and Inventories of Registrants
856 IAC 2-5 Order Forms
856 IAC 2-6-1 Scope of rules governing prescriptions
856 IAC 2-6-3 Purpose of prescription; prohibitions
856 IAC 2-6-4 Issuance of prescriptions; information required
856 IAC 2-6-5 Persons entitled to fill prescriptions
856 IAC 2-6-6 Dispensing of narcotics for maintenance purposes
856 IAC 2-6-7 Schedule II controlled substances; prescription required; exceptions
856 IAC 2-6-8 Schedule II controlled substances; refilling prescriptions
856 IAC 2-6-9 Schedule II controlled substances; partial filling of prescriptions
856 IAC 2-6-10 Schedule II controlled substances; label information; exceptions
856 IAC 2-6-13 Schedules III, IV, and V controlled substances; refilling prescriptions; retrievable information
856 IAC 2-6-14 Schedules III, IV and V controlled substances; partial filling of prescriptions
856 IAC 2-6-15 Schedules III and IV controlled substances; label information; exceptions
856 IAC 2-6-16 Schedules III and IV controlled substances; retention of prescriptions
856 IAC 2-6-17 Schedule V controlled substances; prescription requirements; refilling; exceptions
856 IAC 2-6-18 Dispensing without prescription; delivery of devices

Rules to be readopted and amended are as follows:

856 IAC 2-3-13 Application forms; re-registration forms
856 IAC 2-3-24 Evidentiary hearing

856 IAC 2-6-2 Persons entitled to issue prescriptions
856 IAC 2-6-12 Schedules III and IV controlled substances; prescription required; exceptions

Rules to be repealed are as follows:

856 IAC 2-3-10 Time and method of payment; refund
856 IAC 2-3-14 Filing of application; joint filing
856 IAC 2-3-15 Acceptance for filing; defective applications; request for additional information
856 IAC 2-6-11 Schedule II controlled substances; retention of prescriptions

Readopts, amends, and repeals rules regarding controlled substances.

Questions or comments on the amendment, readoption, or repealing of these rules may be directed by mail to the Indiana Board of Pharmacy, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to mbina@hpb.state.in.us. Statutory authority: IC 25-20-1-23.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-153

Under IC 4-22-2.5-3, the Indiana Board of Pharmacy intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rule to be readopted and amended is as follows:

856 IAC 3-2-2 Fees

Readopts and amends a rule regarding fees for the licensure of wholesale drug distributors.

Questions or comments on the amendment and readoption of these rules may be directed by mail to the Indiana Board of Pharmacy, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to mbina@hpb.state.in.us. Statutory authority: IC 25-20-1-23.

TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE

LSA Document #01-152

Under IC 4-22-2.5-4, the Indiana Optometric Legend Drug Prescription Advisory Committee intends to readopt rules in

Readopted Rules

anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rule to be readopted without changes is as follows:

857 IAC 1-4-1 Fees

Questions or comments on the readoption may be directed by mail to the Indiana Optometric Legend Drug Prescription Advisory Committee, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to mbina@hpb.state.in.us. Statutory authority: IC 25-26-15-13.

TITLE 868 STATE PSYCHOLOGY BOARD

LSA Document #01-154

Under IC 4-22-2.5-3, the State Psychology Board intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rule to be readopted and amended is as follows:

868 IAC 1.1-3-1 Application for licensure; examination process

Rules to be readopted without changes are as follows:

868 IAC 1.1-5-4 Examination for licensure

868 IAC 1.1-5-7 Reexamination

The board intends to amend 868 IAC 1.1-3-1 to set a deadline by which the examination for professional practice in psychology must be applied for and taken by an applicant or the applicant's temporary license to practice will expire. Questions or comments on the readoption may be directed by mail to the State Psychology Board, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to bmcnutt@hpb.state.in.us. Statutory authority: IC 25-33-1-3; IC 25-33-2-5.

Readopted Rules

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-74

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 1-1-3	140 IAC 1-4.5-7
140 IAC 1-1-5	140 IAC 1-4.5-8
140 IAC 1-1-6	140 IAC 1-5-1
140 IAC 1-1-8	140 IAC 1-5-2
140 IAC 1-1-9	140 IAC 1-7-1
140 IAC 1-1-10	140 IAC 1-7-2
140 IAC 1-1-12	140 IAC 1-7-3
140 IAC 1-2-1	140 IAC 1-7-4
140 IAC 1-2-4	140 IAC 1-7-5
140 IAC 1-4.5-1	140 IAC 1-7-6
140 IAC 1-4.5-2	140 IAC 1-7-7
140 IAC 1-4.5-3	140 IAC 1-7-8
140 IAC 1-4.5-5	140 IAC 1-8-2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 1-1-3 Service on attorney
140 IAC 1-1-5 Continuances
140 IAC 1-1-6 Admissibility and presentation of evidence
140 IAC 1-1-8 Presiding officer; powers
140 IAC 1-1-9 Finding of fact
140 IAC 1-1-10 Hearing officer; determination
140 IAC 1-1-12 Petition for reconsideration or rehearing
140 IAC 1-2-1 Definitions
140 IAC 1-2-4 Form of proof of financial responsibility
140 IAC 1-4.5-1 Definitions
140 IAC 1-4.5-2 Objective
140 IAC 1-4.5-3 Point study committee
140 IAC 1-4.5-5 Out-of-state convictions of judgments
140 IAC 1-4.5-7 Defensive driving course; point credit for completion
140 IAC 1-4.5-8 Unlicensed drivers
140 IAC 1-5-1 Definitions
140 IAC 1-5-2 Providing proof of financial responsibility for motor vehicles; procedures
140 IAC 1-7-1 Definitions
140 IAC 1-7-2 Requests for self-insurance
140 IAC 1-7-3 Financial collateral
140 IAC 1-7-4 Payments from collateral
140 IAC 1-7-5 Schedule of claims incurred; additional collateral
140 IAC 1-7-6 Master self-insurance agreement for churches and associations
140 IAC 1-7-7 Issuance of self-insurance certificates and number; renewal of certificates

140 IAC 1-7-8 Cancellation or refusal to renew certificates
140 IAC 1-8-2 Specifications; levels

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Tamara Brown, Legal Department
Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-75

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 1-1-7	140 IAC 1-4.5-6
140 IAC 1-1-11	140 IAC 1-4.5-10
140 IAC 1-2-2	140 IAC 1-5-3
140 IAC 1-2-3	140 IAC 1-8-1
140 IAC 1-4.5-4	

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 1-1-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-1-7 Record of hearing

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 7. ~~RECORDATION.~~ (1) ~~At the request of any party, and at such party's expense;~~ (a) There shall be made a tape recording of the entire course of the scheduled hearing, including all testimony, offers of evidence, objections, and any rulings with regard thereto.

(2) **(b)** The transcript, consisting of the reduction to writing of all matters on such tape recording, together with any exhibits, written notices, pleadings, motions, requests, or other such papers filed, exclusive of briefs and arguments of law, and together with the hearing officer's findings of fact, and final order of determination, shall constitute the complete and exclusive record of such hearing.

(3) ~~Such recording and transcript shall be made solely at the order of, and under the authority and control of the Commissioner.~~

(4) ~~In such cases where~~ **(c)** A recording and/or transcript ~~may be made; they~~ shall be available to all parties for examination and shall be retained intact in the custody of the bureau of motor vehicles for a period of not less than forty-five (45) days from date upon which the final order of determination was issued.

(5) **(d)** Any party may obtain a copy of such recording and/or transcript at such party's written request and expense.

(6) ~~Any party desiring that such recording be made at the scheduled hearing shall so inform the Commissioner, in writing, at least five (5) days prior to the date of the scheduled hearing.~~ **(e)** Such request for a recording shall contain a written promise to pay for the reasonable and actual cost of making such recording. ~~before such hearing is convened. A failure to so inform the Commissioner or a The failure to agree to pay for such cost of recording in such request or a failure to provide such payment before such hearing convenes shall be deemed to have waived the right to have render the request for such recording made and shall further be no ground whatsoever for a continuance of the administrative hearing: canceled.~~

(7) **(f)** Any transcript or copy thereof derived from any recording of an administrative hearing under this rule shall be ~~made provided by an employee of the bureau of motor vehicles and the cost of such transcript or such copy thereof shall be only the actual hourly salary expense of such employee for the period required to reduce such recording to writing, or to copy such original transcript as the case may be.~~

(8) **(g)** Any transcript or any copy thereof so derived from any recording of an administrative hearing under this rule shall be certified by the commissioner as being full, complete, and true and correct transcript of the said hearing over said commissioner's signature and such certification shall have the seal of the bureau of motor vehicles affixed thereto.

(9) **(h)** At all hearings, ~~other than those in which the respondent shall have invoked provisions (1) through (8) of this rule;~~ the record of the administrative cause shall consist of any documentary evidence introduced and admitted, together with the notice of hearing, all pleadings, records of the bureau of motor vehicles considered at such hearing, and the hearing

officer's findings of fact, and the final order of determination based thereon. All motions submitted in writing by any party shall also be included and considered a part of such record, together with any ruling thereon endorsed on the face thereof. *(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule VII; filed Dec 11, 1959, 3:00 p.m.; Rules and Regs. 1960, p. 98)*

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 1-1-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-1-11 Final orders

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 11. (a) The hearing officer's report, including the hearing officer's findings of fact and determination, shall constitute the final order of determination of the administrative cause.

(b) A suspension, where so ordered by the hearing officer's final order of determination, shall be issued as a regulation of the respondent's driving habits and shall be issued for a definite period, which period shall begin as follows:

(1) In those cases where the respondent has surrendered his or her current motor vehicle operator's license to the court at the time of his or her conviction of a violation of any motor vehicle traffic law, and where such convicting court has forwarded such license to the bureau of motor vehicles, such period of suspension shall begin as of the date such license was first surrendered to such court following conviction.

(2) In those cases where the respondent has voluntarily surrendered his or her motor vehicle operator's license to the hearing officer following such hearing officer's findings of fact and determination of a period of suspension made known to the respondent at the conclusion of such administrative hearing, such suspension shall begin as of the date such license was first surrendered to the hearing officer.

(3) In those cases where the respondent has not surrendered his or her motor vehicle operator's license to either the convicting court following conviction of a traffic offense, or to the hearing officer following a finding of facts and determination of suspension, such period of suspension shall begin ~~as of on~~ the date ~~on which such respondent surrenders his or her license to the bureau of motor vehicles and obtains a receipt therefore;~~ **indicated in the court order, hearing officer's finding of fact and determination, or final order issued by the commissioner.**

(4) In those cases where the respondent is required by the Indiana motor vehicles safety responsibility and driver improvement act to file proof of financial responsibility, the period of suspension shall be deemed to be extended to cover any period during which such proof:

(A) shall not be filed as required by law; or

(B) lapsed or otherwise failed to provide the ability to respond in damages as required by law.

(5) In those cases where the respondent obtains any stay

order, restraining order, or temporary injunction against the commissioner to prevent or to avoid the effect of a suspension of the respondent's motor vehicle operator's license, such stay order, restraining order, or temporary injunction shall have the effect of tolling the period of suspension until such stay order, restraining order, or temporary injunction is lifted or removed or until the issuing court enters a final order following a full judicial review reversing or modifying the final order of determination previously issued by the commissioner.

(c) A suspension, where so ordered by the commissioner's final order of determination for an indefinite period of time shall be terminated, and the respondent's current motor vehicle operator's license reinstated, upon the fulfillment of the requirements set forth in such order. Such a determination by the hearing officer and such a final order of determination shall be applicable only to a findings of fact that indicates the respondent is:

- (1) a person who appears to be afflicted with, or suffering from, such physical or mental infirmity, disability, or disease that serves to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating such vehicle over the public streets and highways; or
- (2) because of a repetitive and continuing record of motor vehicle accidents and/or traffic violation convictions, a person whose continued operating of a motor vehicle on the public streets and highways would be inimical to the public safety or welfare.

(d) Where a final order of determination has been issued by the commissioner in the nature of an indefinite period of suspension, the termination of which is conditioned upon the fulfillment of certain requirements, such requirements shall be specifically stated on the face of the order, and may include, but need not necessarily be limited to, the following:

- (1) The respondent's taking and passing a written driving examination.
- (2) The respondent's taking and passing an actual driving ability test.
- (3) The respondent's taking, passing, and producing a report of medical examination or judicial determination sufficient to assure the commissioner of the bureau of motor vehicles that he or she is possessed of the requisite physical and/or mental faculties to operate a motor vehicle over the public streets and highways safely and sanely.

(e) In those cases where an indefinite period of suspension has been ordered under subsections (c) and (d), and where such respondent shall have been only partially successful in fulfilling the requirements set forth in such indefinite order of suspension, the hearing officer may, after due notice and hearing as prescribed in this rule, issue an order that the respondent be permitted to drive a motor vehicle but only under restrictions suitable to the respondent's driving ability with respect to the

type of or special mechanical control devices required on a motor vehicle that the respondent may operate, or the commissioner may order that the respondent operate a motor vehicle under such other restrictions as the commissioner may to be appropriate to assure the safe operation of such motor vehicle by the respondent on the public streets and highways.

(f) Upon the issuance of the final order as contemplated under subsection (e), a motor vehicle operator's license shall be issued to the respondent, which shall contain the specific restrictions of the respondent's operating privileges set out on the face thereof. (*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule XI; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 101; filed Nov 26, 1996, 4:35 p.m.: 20 IR 936*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 1-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-2-2 Minimum term of insurance

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-24; IC 9-25-4

Sec. 2. ~~ISSUANCE OF INSURANCE NINETY (90) DAY PREMIUM MINIMUM.~~ Whenever any person, by virtue of the laws of this state, is required to furnish proof of financial responsibility in the future as a condition precedent to the issuance of a drivers license, and such person elects to satisfy such requirement by furnishing proof that he **or she** is insured under a motor vehicle liability policy, he **or she** shall file with the commissioner, or cause to be filed on his **or her** behalf, a certificate from an insurance carrier duly authorized to do business in this state, certifying that the carrier has issued to him **or her** or for his **or her** benefit as the named insured, a motor vehicle liability policy providing coverage, which shall not be less than prescribed by law. Any policy issued by any carrier to satisfy the requirements of the law governing proof of financial responsibility shall be issued for a period of not less than ninety (90) days. ~~and no carrier, having issued such policy shall accept, during the first ninety (90) days, a cancellation at the request of the insured until after such insured has surrendered his license to the Commissioner. The filing of a certificate by a carrier shall be deemed conclusive proof that at least ninety (90) days coverage has been issued and such filing shall also constitute a waiver by the carrier of its right to cancel the policy within the first ninety (90) days for reason of non-payment of premium by the insured or his legal agent.~~ (*Bureau of Motor Vehicles; Financial Responsibility Rule II; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455*)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 1-2-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-2-3 Minimum term of reinstatement insurance

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-25

Sec. 3. ~~REINSTATEMENT INSURANCE NINETY (90)~~

DAY PREMIUM MINIMUM: Whenever a certificate as described in section 2 of this rule has been filed with and accepted by the bureau of motor vehicles, and thereafter such certificate is cancelled, withdrawn, or nullified by the insured or by the carrier when permitted under these rules or applicable law, no new certificate evidencing proof of insurance shall be accepted from or on behalf of the insured unless the original carrier or an alternate carrier has issued a new or reinstated motor vehicle liability policy providing coverage for a period of not less than ninety (90) days. ~~In such cases, all rights of cancellation by the insured or the carrier shall be governed by the same provisions as described in section 2 of this rule.~~ *(Bureau of Motor Vehicles; Financial Responsibility Rule III; filed Nov 15, 1974, 3:00 p.m.; Rules and Regs. 1975, p. 455; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593)*

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-4 Point accumulation

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3-4; IC 9-24-2-3; IC 9-24-10-2; IC 9-30-3-14

Sec. 4. (a) A driver accumulating ~~the number of twelve (12)~~ active points within the periods of time as identified in subsection (b) shall, upon notice from the bureau, ~~a twelve (12) month period will automatically be placed on probation without a hearing; however, within fifteen (15) days of receipt of the bureau's and will receive a notice placing a driver on probation; the driver, in writing, may request an administrative hearing to determine the validity of the bureau's action in placing a probationary limitation upon the driver's driving record. Any probation awarded by from the bureau without a hearing shall be for a period of six (6) months. During any probationary period, the driver may not accumulate any indicating that the accumulation of additional points. Any additional points will may subject the driver to an administrative hearing. action. A driver shall be on probation until such time as the active points fall below twelve (12) points.~~

(b) Driver point accumulations shall be as follows:

(1) Twelve (12) points accumulated over a twenty-four (24) consecutive month period; after any credit earned by completion of a defensive driving course; by a driver over eighteen (18) years of age:

(2) Ten (10) points accumulated over a twenty-four (24) consecutive month period; after any credit earned by completion of a defensive driving course; by a driver under eighteen (18) years of age:

(3) Eight (8) points accumulated over a one (1) year period; after any credit earned by completion of a defensive driving course; for a driver who holds a temporary motorcycle learner's permit or a motorcycle learner's permit when such points are assessed for violation of the respective learner's permit:

~~(e) (b)~~ Points assessed for any traffic violation shall become inactive twenty-four (24) months after the **administrative assessment date or court disposition** conviction date.

~~(d) Any driver who has been placed on probation without a hearing and who has accumulated eight (8) or more unrecorded points from violations that occurred prior to the probation date and such points are not utilized in placing the driver on probation will be required to reappear for an administrative hearing that may result in extending the probation period or placing the driver on suspension.~~

~~(e) (c)~~ A driver accumulating ~~seventeen (17)~~ **eighteen (18)** or more active points, after any credit earned by completion of a defensive driving course, within a twenty-four (24) month period shall, upon notice from the bureau, be cited for an administrative hearing.

~~(d) If, during any twelve (12) month period, a driver has committed three (3) moving traffic offenses (as defined in IC 9-30-3-14(a)) the bureau may, upon written notice, require the driver to submit to an administrative hearing.~~

~~(f) (e)~~ If the driver fails to successfully complete the probationary or suspension period, the points ~~shall remain active resulting from said probation or suspension may be considered by the administrative hearing officer~~ until such time as any additional limitations placed upon the official driver's record have expired.

~~(g) (f)~~ The conviction or judgment for a traffic violation shall remain a part of the driver's record for a period of ten (10) years from the conviction or judgment date even though, for purposes of this rule, the points assessed were invalidated in accordance with this rule. *(Bureau of Motor Vehicles; 140 IAC 1-4.5-4; filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; filed Sep 5, 1995, 12:00 p.m.: 19 IR 6)*

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-6 Hearings; reinstatement of suspended license

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3-4; IC 9-24-10; IC 9-29-13-1

Sec. 6. (a) Factors considered by the hearing officer at the **point administrative** hearing shall be as follows:

(1) All convictions or judgments listed on the driver's record that led to the accumulation of points shall be considered. The hearing is not open to a redetermination or collateral attack on those judgments or convictions.

(2) Evaluation of the driver's attitude.

(3) Evaluation of the number of miles driven by the driver during the period in which the excessive points were accumulated.

Readopted Rules

(4) Any other factors that:

- (A) might have affected the individual's driving record; or
- (B) may affect the individual's driving habits of the future.

(b) ~~Determination of the hearing officer.~~ The hearing officer within his or her discretion for **point administrative** hearings may: ~~either:~~

- (1) suspend the driving privileges of an individual for up to one (1) year ~~or (2) and/or~~ place the driving privileges of an individual on probation for up to one (1) year; ~~The hearing officer may also, in addition to the determination in this subsection, direct that the individual provided, however, that a combined period of suspension and probation not exceed one (1) year;~~
- (2) **require a driver to submit to an examination, in accordance with IC 9-24-10; or**
- (3) **require a driver to attend the bureau's defensive driving and satisfactorily complete a driver improvement course.**

(c) If the individual's license is suspended, the ~~driver, individual,~~ after the suspension period has expired, may have his or her license reinstated by forwarding a reinstatement fee **and satisfying all other applicable reinstatement requirements,** in accordance with IC 9-29-13-1 to the bureau of motor vehicles. (*Bureau of Motor Vehicles; 140 IAC 1-4.5-6; filed Nov 9, 1983, 3:41 p.m.: 7 IR 28; filed Sep 5, 1995, 12:00 p.m.: 19 IR 7; errata filed Nov 2, 1995, 3:00 p.m.: 19 IR 353*)

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-10 Point value table

Authority: IC 9-14-2-2

Affected: IC 7.1-5-7-7; IC 9-19; IC 9-21; IC 9-24; IC 9-25; IC 9-26-1; IC 9-30; IC 14-15; IC 20-9.1-5; IC 35-43-1-2; IC 35-44-3-3; IC 35-48-4

Sec. 10. (a) The bureau will periodically update the point value table, as needed, with the assistance of the point study committee. Points assessed in subsection (d), Table 1 shall be for:

- (1) violations of Indiana traffic statutes or local ordinances; or
- (2) out-of-state violations reported to the bureau from **a any** state ~~that belongs to the driver's license compact~~ for which an equivalent offense exists in Indiana.

(b) Requirements for recording conviction records shall be as follows:

- (1) All records of traffic convictions received by the bureau from the court entering judgment or conviction shall be recorded based upon the Indiana Code cite.
- (2) Leaving the scene of an accident under IC 9-26-1 shall be treated as an accident in excess of ~~two~~ **seven hundred fifty** dollars ~~(\$200)~~ **(\$750)** requiring a mandatory suspension unless the accident is specifically designated on the record of conviction as less than ~~two~~ **seven hundred fifty** dollars ~~(\$200)~~ **(\$750)**.
- (3) ~~All~~ Suspensions, whether **issued** by the bureau or ~~traffic~~ **a court of competent jurisdiction,** shall ~~be run consecutively~~ **concurrently** unless the administrative hearing officer or ~~traffic~~ court judge specifically designates that the suspensions ~~should be run concurrently.~~ **consecutively.**
- (4) Property damage or personal injury shall not be presumed to have occurred when assessing points for reckless driving violations unless such property damage or personal injury is specifically indicated on the record of conviction by the court.
- (5) All equipment violations shall be imputed to the driver of the vehicle.

(c) Any traffic violation that is subject to statutory change shall retain the same point designation until the regulations are amended unless such traffic violation is entirely repealed by the statutory change whereby no points shall be assessed for that violation.

(d) Table 1, establishing the point value system, shall be as follows:

Table 1.
Point Value¹

Indiana Code Cross Reference	Description of Violation	Point Value ²
7.1-5-7-7 9-24-18-12	Possessing, consuming, or transporting alcohol while operating a motor vehicle by an individual less than 21 years of age	4 + MS 6 + MS
9-19-3-1 et seq. (formerly 9-8-6-32, 9-8-6-33, 9-8-6-34)	Equipment violation with respect to brakes	4
9-19-4-1 et seq. (formerly 9-8-6-37.5)	Bumper violation	2
9-19-5-6 (formerly 9-8-6-41)	Failure of commercial vehicle to carry required emergency equipment	2
9-19-6-1 et seq. 9-21-7-1 et seq. (formerly 9-8-6-1 et seq.)	Equipment violation w/ respect to vehicle lights, reflectors, stop lights, warning signals; failure to use when required	2

Readopted Rules

9-19-7-1	No motorcycle headgear or protective eye wear	4
9-21-10-9 (formerly 9-8-9-3.1)	(under 18 years of age)	
9-19-7-2 (formerly 9-8-9-4)	Motorcycle equipment violation	2
9-19-8-1 et seq. (formerly 9-8-6-36.6)	Muffler violation	2
9-19-11-2 9-19-11-3 (formerly 9-8-13-2, 9-8-13-3)	Child restraint violation	4 8
9-21-3-7	Disregarding traffic control signal	4
9-21-3-8		
9-21-3-9		
9-21-3-10		
9-21-3-11 (formerly 9-4-1-35)		
9-21-4-11	Failure to yield; failure to obey stop or yield signs	6
9-21-4-17		
9-21-4-18		
9-21-8-29		
9-21-8-30		
9-21-8-31		
9-21-8-32		
9-21-8-33		
9-21-8-34		
9-21-8-35 9-21-8-35(a)		
9-21-8-36 (formerly 9-4-1-81, 9-4-1-82, 9-4-1-83, 9-41-1-84, 9-4-1-85, 9-4-1-87, 9-4-1-110)		
9-21-8-35(b)	Failure to change lanes or decrease speed when approaching	8
9-21-8-35(c)	a stationary emergency, recovery, or maintenance vehicle	
9-21-4-12	Improper passing in violation of clearly	4
9-21-4-13	visible signs or markings	
9-21-4-18 (formerly 9-4-1-70)		
9-21-4-16	Disregarding stop sign at railroad crossing	6
9-21-4-18 (formerly 9-4-1-107)		
9-21-5-1	Misc. speeding violations	
9-21-5-2	Excessive speed not indicated	2
9-21-5-3	1–15 MPH in excess of limit	2
9-21-5-4	16–25 MPH in excess of limit	4
9-21-5-5	over 25 MPH in excess of limit	6
9-21-5-6		
9-21-5-11		
9-21-5-12(formerly 9-4-1-57)		
9-21-5-7	Minimum speed violation, slow vehicle in improper lane	2
9-21-5-8		
9-21-5-9		
9-21-8-2(b) (formerly 9-4-1-59, 9-4-1-63(5))		

Readopted Rules

9-21-5-10 (formerly 9-4-1-60)	Unsafe speed on bridge or elevated structure	4
9-21-6-1 (formerly 9-4-6-2)	Speed contest on streets or highways (drag racing)	8
9-21-8-1 (formerly 9-4-1-24)	Disregarding police officer directing	6
9-21-8-2(a) (formerly 9-4-1-63)	Driving on left side of road when not permitted	4
9-21-8-4 (formerly 9-4-1-65)	Improper passing of another vehicle proceeding in opposite direction	4
9-21-8-5 (formerly 9-4-1-66)	Improper passing (cutting in); refusing to give way to overtaking vehicle	4
9-21-8-6 (formerly 9-4-1-67)	Improper passing to the right	4
9-21-8-7 (formerly 9-4-1-68)	Improper passing to the left - interfering with safety of oncoming traffic	4 6
9-21-8-7.5	Failure to merge at work site	8
9-21-8-8 (formerly 9-4-1-69)	Driving to the left of center on 2-way roadway (special conditions)	4
9-21-8-9 (formerly 9-4-1-71(b))	Wrong way on a 1-way road	4
9-21-8-10 (formerly 9-4-1-71)	Driving left of rotary island	4
9-21-8-11 (formerly 9-4-1-72)	Improper driving on roadways with traffic lanes	4
9-21-8-12	Lane restriction violation by truck	4
9-21-8-13 (formerly 9-4-1-64)		
9-21-8-14	Following too closely	6
9-21-8-15		
9-21-8-16 (formerly 9-4-1-73)		
9-21-8-18 (formerly 9-4-1-74)	Entrance or exit violation on limited access highways	4
9-21-8-21 (formerly 9-4-1-75)	Improper turn at intersection	4
9-21-8-22 (formerly 9-4-1-76)	U-turn on curve or crest of grade, visibility less than 750 feet	4
9-21-8-23 (formerly 9-4-1-77)	Unsafe start from parked position	4
9-21-8-24	Failure to signal when required, improper signal	2
9-21-8-25		
9-21-8-26		
9-21-8-27		
9-21-8-28 (formerly 9-4-1-78, 9-4-1-79, 9-4-1-80)		
9-21-8-37 (formerly 9-4-1-89)	Driver fails to exercise due care to avoid pedestrian	6
9-21-8-39 (formerly 9-4-1-106)	Disregarding signal indicating approach of train	6

Readopted Rules

9-21-8-40	Failure of commercial vehicle or other special vehicle to stop at railroad crossing	8 + MS
9-21-12-5 (formerly 9-4-1-108, 9-4-1-109)		
9-21-8-41 (formerly 9-4-1-33)	Disregarding official traffic control device	4 6
9-21-8-50 (formerly 9-4-1-73(b))	Reckless driving while operating a tractor-trailer combination	6 8
9-21-8-51 (formerly 9-4-1-56.2)	Failure to dim bright or blinding lights	4
9-21-8-52(a) (formerly 9-4-1-56.1)	Reckless driving	6
9-21-8-52(b) (formerly 9-4-1-56.1)	Reckless driving with damage to property or personal injury	8 + MS
9-21-9-4	No flashing amber or red light on slow moving vehicle when other lights not required (this is in addition to slow moving emblem)	2
9-19-16-4 (formerly 9-8-10-4)		
9-21-10-1 (formerly 9-8-9-2(a))	Motorcycle passenger violation	4
9-21-10-3 (formerly 9-8-9-2(c))	Carrying package or parcel on motorcycle (both hands not on handlebars)	4
9-21-10-5 (formerly 9-8-9-2(e))	Operating motorcycle without headlamp illuminated	2
9-21-10-6 (formerly 9-8-9-2(f))	Operating motorcycles three or more abreast in single lane	4
9-21-10-6 (formerly 9-8-9-2(f))	Depriving motor vehicle (including motorcycle) of full lane usage	4
9-21-12-1 (formerly 9-4-1-123)	Passing of school bus while loading or unloading	6 8
9-21-12-1 (formerly 9-4-1-123)	Passing of school bus when arm signal is out	6 8
9-21-16-7		
9-21-16-8 (formerly 9-4-1-115)	Failure to park properly at right hand curb or in violation of parking restrictions posted by official signs (highway only)	2
9-24-1-6 (formerly 9-1-4-26)	Operating without valid commercial license	8
9-24-6-15	Operating a commercial motor vehicle with a BAC above .04	8
9-24-6-16	Operating a commercial motor vehicle while disqualified	8
9-24-7-2 (formerly 9-1-4-33(b))	Driver education permit violation	4 + AH
9-24-7-3 (formerly 9-1-4-33(c))	Learner permit violation	4 + AH
9-24-8-2 (formerly 9-1-4-33.1)	Temporary motorcycle learner permit violation	4 + AH
9-24-8-3 (formerly 9-1-4-33.2)	Motorcycle learner permit violation	4 + AH
9-24-8-4 (formerly 9-1-4-33.3)	Improper motorcycle license endorsement	6
9-24-11-3	Probationary license violation (under 18 years of age)	4
9-24-11-7	Violation of driver license restriction or mechanical control device requirement	4
9-24-11-8(b) (formerly 9-1-4-37)		

Readopted Rules

9-24-18-1 (formerly 9-1-4-26.5)	Operating without ever having a valid license	4 6 + AH
9-24-18-2 (formerly 9-1-4-47)	Misuse of license; use of false information; unauthentic license	8 8 + AH
9-24-18-3	Permitting unlicensed person to operate a motor vehicle	4 + AH
9-24-18-4 (formerly 9-1-4-49)	Permitting unlawful use of a motor vehicle	4
9-24-18-5 (formerly 9-1-4-52)	Driving while license is suspended or revoked	8 + MS
9-24-18-8 (formerly 9-1-7-2)	Unlawful use of license to obtain alcohol	8 + MS
9-25-1-1 et seq. 9-25-4-1	Suspension of license and registration for violation of financial responsibility requirements	8 2 + MS
9-25-8-5	Leaving the scene of accident; failure to give information; failure of other duties (personal injury, death, or property damage more than \$200 \$750 total)	8 + MS
9-26-1-1		
9-26-1-2		
9-26-1-3		
9-26-1-4 (formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44)		
9-26-1-2	Leaving the scene of accident; failure to give information; failure of other duties (property damage only, less than \$200 \$750 total)	8
9-26-1-3		
9-26-1-4 (formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44)		
9-30-4-8 (formerly 9-2-1-30)	Operating a vehicle with suspended registration; violation of conditions of a restricted license	8 + AH
9-30-5-1 (formerly 9-11-2-1)	Operating with BAC above .10 or with controlled substance in bloodstream (Per Se)	8 + MS
9-30-5-2 (formerly 9-11-2-4)	Operating while intoxicated (OWI)	8 + MS
9-30-5-3 (formerly 9-11-2-3)	OWI with Per Se or OWI conviction in past 5 years	8 + MS
9-30-5-4 (formerly 9-11-2-4)	Per Se or OWI resulting in injury	8 + MS
9-30-5-5 (formerly 9-11-2-5)	Per Se or OWI resulting in death	8 + MS
9-30-5-6 9-30-5-13(formerly 9-11-2-6)	Violation of probationary license (HTV)	4 + MS 8 + MS
9-30-5-7 (formerly 9-11-2-7)	Interlock device violation	4 8
9-30-5-8 (formerly 9-11-2-8)	Tampering with interlock device	4 8
9-30-5-8.5	Operating with at least BAC .02%, but less than BAC .10% (under 21 years of age)	6
9-30-10-16 9-30-10-17 (formerly 9-12-3-1)	Operating a vehicle while suspended as a habitual traffic violator	8 + MS
9-30-13-1 35-42-2-2 (9-30-13-1 was formerly 9-4-1-54.5)	Criminal recklessness with vehicle	8 + MS

Readopted Rules

9-30-13-2 35-42-2-4 (9-30-13-2 was formerly 9-4-1-54.5)	Obstruction of traffic causing injury or death	8 + MS
9-30-13-3 35-43-1-2 (9-30-13-3 was formerly 9-4-1-54.5)	Criminal mischief with vehicle	8 + MS
9-30-13-4 35-42-1-4 (9-30-13-4 was formerly 9-4-1-54.5)	Involuntary manslaughter with a vehicle	8 + MS
9-30-13-4 35-42-1-5 (9-30-13-4 was formerly 9-4-1-54.5)	Reckless homicide with a vehicle	8 + MS
9-30-15-3	Open container violation	4 6
9-30-15-4 13-7-13-4 <i>[IC 13-7-13-4 was repealed by P.L. 1-1996, SECTION 99, effective July 1, 1996]</i>	Unlawful transportation of hazardous waste	4 + MS
14-15-8-8 14-15-8-13 14-15-12-5	Operating a personal watercraft or motorboat while intoxicated	8 + MS
14-15-8-9 14-15-8-10 14-15-12-5	Operation of motorboat after being ordered not to operate Dangerous operation of a personal watercraft or motorboat	8 8
14-15-12-10 20-9.1-5-10	Unsafe operation of personal watercraft Speeding in school bus:	8
	Speed not indicated	6
	1-15 MPH in excess of limit	6
	over 15 MPH in excess of limit	8
20-9.1-5-11	Failure of school bus to stop at railroad crossing	8 + MS
20-9.1-5-12	Stopping school bus to load or unload on left of 1-way thoroughfare	4
20-9.1-5-14	Improper use or failure of school bus to display stop arm signal	4
20-9.1-5-15	Improper use or failure of school bus to use directional signals	4
20-9.1-5-16	Improper use or failure of school bus to use red flashing warning lights	4
35-44-3-3(b)	Resisting law enforcement in vehicle	8 + MS

¹The court has the authority to suspend **an individual's driver** license on any traffic violation.

²Abbreviations have the following meaning:

“AH” means automatic hearing

“MS” means mandatory suspension for a period of time up to one (1) year or as provided by statute **or court order**.

(Bureau of Motor Vehicles; 140 IAC 1-4.5-10; filed Sep 5, 1995, 12:00 p.m.: 19 IR 8)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 1-5-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-5-3 Financial responsibility requirement; intentional falsification of required information; hearing procedures

Authority: IC 9-14-2-2

Affected: IC 9-25; IC 9-30-4-10; IC 9-30-4-11

Sec. 3. (a) The bureau of motor vehicles, within the discretion of the commissioner, shall attempt to verify on a random basis the affirmations of financial responsibility.

(b) Upon a possible showing of falsification of any of the information required to meet the financial responsibility requirement, the commissioner or his designated representative will upon proper notice conduct an administrative hearing upon

Readopted Rules

the falsification charge. If there is a showing at this hearing of sufficient evidence of falsification, the commissioner shall invoke the administrative penalty outlined in ~~140 IAC 1-5-2(c)~~ **section 2(c) of this rule.**

(c) Hearing procedures **are as follows:**

(1) Notice of administrative hearing shall be sent first class mail to the address utilized by the registrant on the application of registration.

(2) Failure to appear at the administrative hearing shall result in the suspension of the driver's license and registration plates of the individual cited for the administrative hearing. This suspension shall remain in effect until the individual has appeared at a rescheduled hearing and the charges against that individual have been disposed of.

(3) The administrative hearing will be conducted in an informal manner with ~~no~~ a record of the proceedings being maintained.

(4) The commissioner or his designated representative shall upon the evidence presented issue specific findings and order which findings should specifically outline the probative evidence presented and upon which the order is based.

(5) All subpoenas and continuances associated with this administrative hearing shall be in accordance with 140 IAC 1-1-4 and 140 IAC 1-1-5. ~~respectively.~~

(d) All appeals ~~of the commissioner's action~~ shall be conducted under IC 9-30-4-10 and IC 9-30-4-11.

(e) If the evidence so warrants, the commissioner may certify his findings related to falsification of the financial responsibility statement to the prosecuting attorney of the falsifying registrant's county of residence for appropriate criminal prosecution within that prosecuting attorney's discretion. (*Bureau of Motor Vehicles; 140 IAC 1-5-3; filed Dec 3, 1982, 2:13 p.m.: 6 IR 71; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593*)

SECTION 9. UNDER IC 4-22-2.5-3, 140 IAC 1-8-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-8-1 Minimum standards

Authority: IC 9-14-2-2

Affected: IC 9-30-8; IC 9-30-5-8

Sec. 1. Each court in ~~the state of~~ Indiana ~~which that~~ has authority to order the installation of ignition interlock devices shall order the installation of devices that meet the following minimum standards and specifications:

- (1) Each device must be accurate.
- (2) Each device must not impede the safe operation of a vehicle.
- (3) Each device must provide a minimum opportunity to be bypassed.
- (4) Each device must show evidence of tampering if tampering is attempted.
- (5) Each device must have a label affixed by the manufacturer warning that a person tampering with or misusing the device is subject to a civil **and/or criminal** penalty.

(*Bureau of Motor Vehicles; 140 IAC 1-8-1; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1834*)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Tamara Brown, Legal Department
Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-76

DIGEST

Readopts rules anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 2-1-1	140 IAC 2-3-4
140 IAC 2-1-2	140 IAC 2-3-5
140 IAC 2-1-3	140 IAC 2-3-6
140 IAC 2-1-8	140 IAC 2-3-7
140 IAC 2-1-9	140 IAC 2-4-1
140 IAC 2-1-10	140 IAC 2-4-2
140 IAC 2-2-1	140 IAC 2-4-5
140 IAC 2-2-2	140 IAC 2-4-6
140 IAC 2-2-3	140 IAC 2-4-7
140 IAC 2-3-1	140 IAC 2-4-8
140 IAC 2-3-2	140 IAC 2-4-10
140 IAC 2-3-3	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 2-1-1 Definitions
140 IAC 2-1-2 Valuation of vehicles

140 IAC 2-1-3 Valuation of unlisted vehicles
140 IAC 2-1-8 Early registration
140 IAC 2-1-9 Registration after registration month
140 IAC 2-1-10 Registration by mail
140 IAC 2-2-1 Registration of semitrailer and issuance of plate
140 IAC 2-2-2 Five year semitrailer registration
140 IAC 2-2-3 Permanent semitrailer registration
140 IAC 2-3-1 Proof of foreign citizenship
140 IAC 2-3-2 Proof of state of manufacture
140 IAC 2-3-3 Proof of intent
140 IAC 2-3-4 Proof of financial responsibility
140 IAC 2-3-5 Fee and service charge
140 IAC 2-3-6 Display of permit
140 IAC 2-3-7 Month and year stickers
140 IAC 2-4-1 Statement of intent
140 IAC 2-4-2 Petition for special group status
140 IAC 2-4-5 Preproduction requirements and costs
140 IAC 2-4-6 Not-for-profit
140 IAC 2-4-7 Nondiscriminatory; nonrecreational
140 IAC 2-4-8 Separate, unique organization
140 IAC 2-4-10 Miscellaneous provisions

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Gary A. Gibson
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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-77

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on Decem-

ber 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 2-4-3

140 IAC 2-4-4

140 IAC 2-4-9

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 2-4-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 2-4-3 Submission of list of applicants; extension; expenses

Authority: IC 9-14-2-2

Affected: IC 9-18-25-5

Sec. 3. (a) Subsequent to petition approval by the bureau of motor vehicles, but no later than July 31 of the calendar year immediately preceding the calendar year the special recognition license plates are to be issued, the organization must submit to the bureau of motor vehicles a list of the names and addresses of all persons who have submitted applications to the organization for the group's proposed special group recognition plate.

(b) The list submitted to the bureau of motor vehicles must contain no less than five hundred (500) applicants.

(c) Submission of a list containing one (1) or more names of individuals who have not actually applied for the plate will be grounds for rejection of the proposed special group recognition plate.

(d) In the event the organization's petition is approved but the organization cannot provide the bureau of motor vehicles with the list of applicants in the numbers required by the due date, the organization may request in writing, no later than thirty (30) days subsequent to the due date, a one (1) time one (1) year extension to obtain a sufficient number of applicants desiring to purchase the proposed special group recognition plate.

(e) If the organization fails to request an extension, or is still unable to submit a list with a sufficient number of applicants at the conclusion of the one (1) year extension, the petition originally filed by the organization will no longer be valid.

(f) In the event the organization's petition is approved by the bureau, the organization will be required to reimburse the bureau for expenses incurred due to the production of extraordinary special group plate design and plate display costs. (Bureau of Motor Vehicles; 140 IAC 2-4-3; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 2-4-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 2-4-4 Posting surety bond

Authority: IC 9-14-2-2

Affected: IC 9-18-25

Readopted Rules

Sec. 4. (a) Simultaneously with the submission of the list of applicants required under section 3 of this rule, the organization must submit a bond issued by a surety company authorized to transact business in Indiana.

(b) The bond must be in a total amount of ~~five~~ **six** thousand dollars (~~\$5,000~~) (**\$6,000**) and may not be cancelled without ten (10) days' prior notice to the bureau of motor vehicles.

(c) In the event the new special group recognition license plate is issued and less than five hundred (500) such plates are sold in the first ~~plate cycle year~~ in which the plate is available, the bond must be conditioned for payments to the bureau of motor vehicles according to the following formula: [(500 - number of plates sold) × \$10]. ~~The current plate cycle expires December 31, 1996. The next plate cycle begins January 1, 1997, and is three (3) years in duration: \$12].~~

(d) Once five hundred (500) of the new special group recognition plates ~~have been~~ **are** sold, **in the first year in which the plate is available**, the bond will be returned to the organization.

(e) If over five hundred (500) plates are sold in the first ~~plate cycle; year in which the plate is available~~, submission of a bond will not be required for subsequent ~~plate cycles; years~~. (*Bureau of Motor Vehicles; 140 IAC 2-4-4; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 2-4-9 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 2-4-9 Loss of status; renewal process

Authority: IC 9-14-2-2; IC 9-18-2-47

Affected: IC 9-18-25-15

Sec. 9. (a) If an organization fails to meet the requirements of **IC 9-18-25-15** or this rule, the bureau of motor vehicles may terminate that organization's qualification for the special group recognition license plate program, and no further special group recognition license plates shall be issued for that organization.

(b) The failure of an organization to meet the requirements of **IC 9-18-25-15** or this rule may be considered by the bureau of motor vehicles when **considering reviewing** any subsequent petition by that organization for participation in the special group recognition license plate program.

(c) An organization participating in the special group recognition plate program shall indicate its intent to remain in the program for a subsequent plate cycle, in writing, to the bureau of motor vehicles prior to April 1 of the calendar year immediately preceding the beginning of the next plate cycle. ~~The next plate cycle begins January 1, 1997, and is three (3) calendar years in duration.~~ (*Bureau of Motor Vehicles; 140 IAC 2-4-9; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675*)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Indiana Government Center-North
100 North Senate Avenue, Room 440
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Gary Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-78

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 3-3-1	140 IAC 3-3-12
140 IAC 3-3-2	140 IAC 3-3-13
140 IAC 3-3-3	140 IAC 3-3-14
140 IAC 3-3-4	140 IAC 3-3-15
140 IAC 3-3-5	140 IAC 3-3-16
140 IAC 3-3-7	140 IAC 3-4-1
140 IAC 3-3-8	140 IAC 3-4-2
140 IAC 3-3-9	140 IAC 3-4-3
140 IAC 3-3-10	140 IAC 3-5-1
140 IAC 3-3-11	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 3-3-1 Purpose
140 IAC 3-3-2 Definitions
140 IAC 3-3-3 Major component parts subject to record keeping
140 IAC 3-3-4 Record keeping; parts marking

140 IAC 3-3-5 Sale of salvage motor vehicles or major component parts
140 IAC 3-3-7 Alternative to prescribed forms
140 IAC 3-3-8 Model years for record keeping purposes
140 IAC 3-3-9 Verification of seller's identity
140 IAC 3-3-10 Return of titles to bureau of motor vehicles
140 IAC 3-3-11 Compliance with licensing requirement
140 IAC 3-3-12 Salvage motor vehicle license revocation and suspension
140 IAC 3-3-13 Return of suspended or revoked licenses
140 IAC 3-3-14 Commissioner's cease and desist order
140 IAC 3-3-15 License reinstatement
140 IAC 3-3-16 General applicability
140 IAC 3-4-1 Businesses eligible for transport operator plates
140 IAC 3-4-2 Insurance coverage
140 IAC 3-4-3 Change of address
140 IAC 3-5-1 Utilization of training car plates

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-79

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 3-3-6

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 3-3-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3-3-6 Record keeping requirements for salvaging businesses

Authority: IC 9-14-2-2; IC 9-22-1

Affected: IC 9-22-4

Sec. 6. **RECORDKEEPING REQUIREMENTS FOR DISPOSAL FACILITIES AND AUTOMOTIVE SALVAGE REBUILDERS:** The commissioner shall prescribe the format and the forms ~~which~~ **that** must be used by each business licensed to carry on the business activities as outlined in IC 9-22-4. Each business shall record the purchase and sale of salvage motor vehicles and the purchase and sale of major component parts purchased or sold in the normal course of business operations. Two **(2)** main registers must be maintained by the disposal facilities and automotive salvage rebuilders **as follows:**

(1) ~~Vehicle Register~~ A vehicle register shall be maintained and ~~record~~ the following information **recorded** on all salvage motor vehicles purchased and sold:

- (A) The date of purchase and sale of each salvage motor vehicle.
- (B) The vehicle description and identification: model year, model type, make, and V.I.N.
- (C) The stock number.
- (D) The title number or other ownership document and the issuing authority.
- (E) The name and address of the business or person from whom the salvage motor vehicle was acquired, and the name and address of the person or business to whom the salvage motor vehicle was sold or otherwise disposed of.
- (F) The invoice number, if applicable, evidencing the purchase or acquisition of the salvage motor vehicle. ~~and~~
- (G) The invoice number, if applicable, evidencing the sale or disposed of the salvage motor vehicle. ~~and~~
- (H) Such other information as the commissioner may require.

(2) ~~Major Component Parts Register~~ A major component parts register shall be maintained and ~~record~~ the following information **recorded** on all major component parts purchased and sold:

- (A) **The following** for major component parts removed from acquired vehicles:
 - (i) The vehicle description and ~~identification~~; **identification**, including the V.I.N., serial number, stock number, or other reference number.
 - (ii) The description and identification of the source vehicle of the major component part as contained in the vehicle register.
 - (iii) The name and address of the person or business to whom the major component part was sold.

Readopted Rules

- (iv) The date and invoice number, if applicable, evidencing the sale of the major component part. ~~and~~
(v) Such other information as the commissioner may require.

(B) For major component parts acquired from other than a salvage motor vehicle owned by the disposal facility or automotive salvage rebuilder, the major component parts register shall contain, in addition to those listed above in ~~B.1.~~, **clause (A)**, the following information:

- (i) The name and address of the person or business from whom the major component part was acquired. ~~and~~
(ii) The date and invoice number, if applicable, evidencing the purchase or acquisition of the major component part.

(Bureau of Motor Vehicles; 140 IAC 3-3-6; filed Apr 28, 1981, 9:35 a.m.; 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.; 15 IR 2594)

Statutory authority: IC 9-14-2-2; IC 9-22-1.

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Tamara Brown, Legal Department
Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204.*

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-80

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 3.5-1-1	140 IAC 3.5-1-23
140 IAC 3.5-1-2	140 IAC 3.5-1-24
140 IAC 3.5-1-3	140 IAC 3.5-1-25
140 IAC 3.5-1-4	140 IAC 3.5-1-26
140 IAC 3.5-1-5	140 IAC 3.5-1-27
140 IAC 3.5-1-6	140 IAC 3.5-1-28
140 IAC 3.5-1-7	140 IAC 3.5-1-29
140 IAC 3.5-1-8	140 IAC 3.5-1-30
140 IAC 3.5-1-9	140 IAC 3.5-1-31
140 IAC 3.5-1-10	140 IAC 3.5-2-1
140 IAC 3.5-1-11	140 IAC 3.5-2-2
140 IAC 3.5-1-12	140 IAC 3.5-2-3
140 IAC 3.5-1-13	140 IAC 3.5-2-5
140 IAC 3.5-1-14	140 IAC 3.5-2-6
140 IAC 3.5-1-15	140 IAC 3.5-2-7
140 IAC 3.5-1-16	140 IAC 3.5-2-8
140 IAC 3.5-1-17	140 IAC 3.5-2-10
140 IAC 3.5-1-18	140 IAC 3.5-2-12
140 IAC 3.5-1-19	140 IAC 3.5-2-14
140 IAC 3.5-1-20	140 IAC 3.5-2-16
140 IAC 3.5-1-21	140 IAC 3.5-2-17
140 IAC 3.5-1-22	140 IAC 3.5-2-18

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 3.5-1-1	Applicability
140 IAC 3.5-1-2	"Automobile auctioneer" defined
140 IAC 3.5-1-3	"Automotive salvage rebuilder" defined
140 IAC 3.5-1-4	"Automotive salvage recycler" defined
140 IAC 3.5-1-5	"Broker" defined
140 IAC 3.5-1-6	"Certificate of origin" defined
140 IAC 3.5-1-7	"Commissioner" defined
140 IAC 3.5-1-8	"Consignee" defined
140 IAC 3.5-1-9	"Consignment of sales" defined
140 IAC 3.5-1-10	"Consignor" defined
140 IAC 3.5-1-11	"Converter manufacturer" defined
140 IAC 3.5-1-12	"Dealer" defined
140 IAC 3.5-1-13	"Dealer plate" defined
140 IAC 3.5-1-14	"Designee" defined
140 IAC 3.5-1-15	"Established place of business" defined
140 IAC 3.5-1-16	"License year" defined
140 IAC 3.5-1-17	"Manufacturer" defined
140 IAC 3.5-1-18	"Mobile home" defined
140 IAC 3.5-1-19	"Mobile home dealer" defined
140 IAC 3.5-1-20	"Motor vehicle industry sponsored trade show" defined
140 IAC 3.5-1-21	"Motor vehicle trade association" defined
140 IAC 3.5-1-22	"New or used motorcycle dealer" defined
140 IAC 3.5-1-23	"Place of business" defined
140 IAC 3.5-1-24	"Primary business" defined
140 IAC 3.5-1-25	"Recreational vehicle" defined
140 IAC 3.5-1-26	"Recreational vehicle dealer" defined
140 IAC 3.5-1-27	"Set of plates" defined
140 IAC 3.5-1-28	"Trailer" defined

- 140 IAC 3.5-1-29 "Trailer dealer" defined
- 140 IAC 3.5-1-30 "Transfer dealer" defined
- 140 IAC 3.5-1-31 "Wholesale dealer" defined
- 140 IAC 3.5-2-1 Issuance and use of dealer plates
- 140 IAC 3.5-2-2 Certificates of origin for converted vehicles
- 140 IAC 3.5-2-3 Classification of dealer plates
- 140 IAC 3.5-2-5 Issuance of off-site sales licenses; general conditions and minimum requirements
- 140 IAC 3.5-2-6 Dealer plates; restrictions on use
- 140 IAC 3.5-2-7 Manufacturer license requirements
- 140 IAC 3.5-2-8 Manufacturer plates; restrictions on use
- 140 IAC 3.5-2-10 Transfer dealer plates; restrictions on use
- 140 IAC 3.5-2-12 Number of dealer, manufacturer, or interim plates
- 140 IAC 3.5-2-14 Consignment sales
- 140 IAC 3.5-2-16 Denial, suspension, or revocation of dealer license and plate; hearing
- 140 IAC 3.5-2-17 Operation without license; cease and desist order
- 140 IAC 3.5-2-18 Dealer licensing fees; procedures for handling

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-81

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on Decem-

ber 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

- | | |
|---|--|
| 140 IAC 3.5-2-4
140 IAC 3.5-2-9
140 IAC 3.5-2-11 | 140 IAC 3.5-2-13
140 IAC 3.5-2-15 |
|---|--|

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-4 Dealer license requirements

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23-2-10

Sec. 4. Under IC 9-23, dealers designated dealer-new, dealer-used, motorcycle dealer-new, and motorcycle dealer-used shall meet the following requirements:

- (1) A dealer must have a license issued by the commissioner in order to receive dealer plates.
- (2) **An application for a new dealer license and dealer plates may be made after submitted any time prior to December 15 or two (2) months prior to the expiration month of each year for the following current license year. A dealer license renewal application may be submitted thirty (30) days prior to the license expiration date.**
- (3) An applicant who applies for a license after December 15 **but before the end of the last day of the expiration month of the license year** shall be eligible to be licensed for the following year.
- (4) Only one (1) dealer can be licensed from the same address or established place of business.
- (5) In addition to the requirements outlined in IC 9-23, a dealer must meet the following minimum requirements:
 - (A) The dealer must provide a federal identification number and a retail merchant's certificate number.
 - (B) The dealer must, for the entire licensing period, have an established place of business with an Indiana address other than an Indiana post office box address. Dealer licenses and dealer plates shall be mailed to the business address only. The established place of business may not house a secondary business unless that business is closely related to the sale of motor vehicles and this secondary business does not provide in excess of fifty percent (50%) of the dealer's gross income. Multiple business locations such as strip office malls, garages, or residential properties shall be accepted if:
 - (i) a separate entrance is maintained;
 - (ii) a separate address is maintained, **and the business location is not a part of or attached to a residential dwelling;**
 - (iii) local zoning requirements are met;**
 - ~~(iii)~~ **(iv)** a distinct impression of separate businesses is given to the general public; and
 - ~~(iv)~~ **(v)** all other location and office requirements are met.
 - (C) The dealer's established place of business shall:
 - (i) be accessible to the public;
 - (ii) have at least a space of one thousand three hundred

Readopted Rules

(1,300) square feet and be able to accommodate the display of a minimum of ten (10) vehicles of the kind and type which the dealer is licensed to sell and space for customer parking;

(iii) meet all local zoning requirements;

(iv) be well lit during hours of operation; and

(v) have display and customer parking areas adequately surfaced with asphalt, concrete, rock, or substance which will not change with weather conditions.

(D) The dealer's office shall be:

(i) housed at the dealer's established place of business;

(ii) at least one hundred (100) square feet in size;

(iii) equipped with office furniture such as a desk, chairs, and filing cabinets; and

(iv) served with utilities such as electricity, lighting, heat, and a business telephone.

(E) The dealer must provide garage liability insurance for the established place of business under IC 9-23-2-10.

(F) The dealer must provide photographs of the established place of business with the initial application for dealer license. These photographs must include, but are not limited to, the major:

(i) sales and storage lot;

(ii) exterior advertising sign; and

(iii) display and office building.

The photographs must not be less than three (3) inches by five (5) inches in size. The photographs will be required to be updated if the dealership is moved or if its physical facilities are substantially altered or modified.

(G) The dealer must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(H) The dealer must provide, with the initial licensing application, evidence of a franchise or contract agreement, if applicable, showing a sales arrangement with a manufacturer, converter manufacturer, or distributor.

(I) The dealer must maintain, at the established place of business, a conspicuous, permanent sign identifying the dealer by the name in which the dealer is licensed and the dealership's hours of operation.

(J) The dealer's established place of business must be accessible to the public for a minimum of thirty (30) hours each week during normal business hours. For the purpose of this rule, "accessible" means the place of business must be:

(i) manned at least thirty (30) hours each week;

(ii) manned at least twenty (20) hours each week and a telephone answering, paging, or mobile service offered during the remaining ten (10) hours each week, the number for which is identified on the business sign; or

(iii) opened by appointment at least thirty (30) hours each week by maintaining a manned telephone or mobile telephone service for a minimum of ten (10) hours each week and a telephone answering, paging, or mobile service offered during remaining twenty (20) hours each week, the number for which is identified on the business sign.

(Bureau of Motor Vehicles; 140 IAC 3.5-2-4; filed Jan 5, 1994, 5:00 p.m.: 17 IR 973)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-9 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-9 Transfer dealer license requirements

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18; IC 9-23-2-10

Sec. 9. (a) Transfer dealers must be properly licensed by the commissioner in order to receive transfer dealer plates.

(b) **An application for a new transfer dealer license and transfer dealer plates may be made after submitted any time prior to December 15 or two (2) months prior to May 1 of each year for the following current license year. A transfer dealer license renewal application may be submitted thirty (30) days prior to the license expiration date.**

(c) An applicant who applies for a license under this section after December 15 ~~but before May 1 of the license year~~ shall be eligible to be licensed for the following year.

(d) A transfer dealer ~~at a minimum~~, shall do the following:

(1) Furnish a federal identification number and a retail merchant's certificate number.

(2) Have a place of business which is devoted to the conduct of a business related to the sale of motor vehicles. The place of business must be a permanent, enclosed building or structure. The place of business shall not include a residence, tent, temporary stand, or permanent quarters temporarily occupied. Parking or storage of a minimum of ten (10) motor vehicles must be provided.

(3) Furnish photographs of the place of business with the initial application for a transfer dealer license. These photographs must include, but are not limited to, the major sales, storage, and office space utilized by the transfer dealer. The photographs must be not less than three (3) inches by five (5) inches in size. The photographs must be updated if the dealership is moved or if its physical facilities are substantially altered or modified.

(4) The transfer dealer must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.

(5) Furnish proof of coverage by garage liability insurance under IC 9-23-2-10 if the dealer has an established place of business. The transfer dealer must be covered by business liability insurance if the dealer has a place of business.

(6) Provide a statement delineating the type and extent of the dealer's business.

(e) Unless conflicting with the provisions of this section, all rules that the commissioner finds applicable governing dealers shall apply to transfer dealers. *(Bureau of Motor Vehicles; 140 IAC 3.5-2-9; filed Jan 5, 1994, 5:00 p.m.: 17 IR 976)*

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-11 Wholesale dealer, auctioneer, and broker licenses

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-18-26; IC 9-23

Sec. 11. (a) Wholesale dealers, automobile auctioneers, and brokers must be properly licensed by the commissioner in order to receive dealer plates.

(b) **An application for a new wholesale dealer license and dealer plates may be made after submitted any time prior to December 15 or two (2) months prior to May 1 of each year for the following current license year. A wholesale dealer, automobile auctioneer, or broker license renewal application may be submitted thirty (30) days prior to the license expiration date.**

(c) Any applicant who applies for a license after December 15 but before May 1 of the license year is eligible to be licensed for the following year.

(d) The following are minimum requirements for licensing wholesale dealers, automobile auctioneers, and brokers:

- (1) An applicant must furnish a federal identification number and a retail merchant's certificate number.
- (2) An applicant must be covered by business liability insurance in an amount determined by the commissioner.
- (3) An applicant must be in good standing with the bureau of motor vehicles, the department of revenue, and the state police department.
- (4) Each applicant must submit to an investigation by the bureau of motor vehicles within one hundred twenty (120) days following the issuance of the wholesale dealer license. Business records must be presented to verify the number of monthly sales. Each applicant will be contacted at the address given on the license application. If the applicant is not available when the investigator calls, it will be the responsibility of the dealer to contact the bureau of motor vehicles to arrange for a subsequent visit. Dealer plates will not be renewed under this section until an investigation has been conducted.
- (5) The wholesale dealer must provide a permanent Indiana address at which the dealer may be contacted by the bureau of motor vehicles.
- (6) A wholesale dealer must sell a minimum of one hundred twenty (120) vehicles per year.
- (7) Unless conflicting with the provisions of this section, all rules that the commissioner finds applicable governing dealers shall apply to wholesale dealers, automobile auctioneers, and brokers.
- (8) A wholesale dealer, except a dealer licensed as an automobile auctioneer, may not sell vehicles to the general public.

(Bureau of Motor Vehicles; 140 IAC 3.5-2-11; filed Jan 5, 1994, 5:00 p.m.: 17 IR 976)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-13 Number of vehicles sold by dealer or transfer dealer

Authority: IC 9-14-2-2

Affected: IC 9-18-26; IC 9-23

Sec. 13. (a) Dealers and transfer dealers, with the exception of wholesale dealers, financial institutions, and insurance companies, must sell a minimum of twelve (12) vehicles ~~per year~~ **within a twelve (12) month period**. For the purpose of determining the number of units sold or anticipated to be sold by a dealer, the licensing year shall be used. ~~A dealer or transfer dealer licensed after the dealer plate category's expiration date of any year shall be given a credit of one (1) vehicle per month for each whole month that has expired.~~

(b) A wholesale dealer is subject to the requirement of selling one hundred twenty (120) vehicles ~~per year~~. ~~A wholesale dealer licensed after April 30 of any year shall be given a credit of ten (10) vehicles per month for each whole month that has expired.~~ **within a twelve (12) month period. For the purpose of determining the number of units sold or anticipated to be sold by a wholesale dealer, the licensing year shall be used.** *(Bureau of Motor Vehicles; 140 IAC 3.5-2-13; filed Jan 5, 1994, 5:00 p.m.: 17 IR 977)*

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 3.5-2-15 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 3.5-2-15 Interim plates; restrictions on use

Authority: IC 9-14-2-2

Affected: IC 9-18-26-10; IC 9-23

Sec. 15. (a) Requirements for the use of interim plates shall be as follows:

- (1) Under IC 9-18-26-10, interim plates may be utilized only by the operator of a motor vehicle for a period not to exceed thirty-one (31) days after the date of delivery or until regular registration plates are obtained, whichever occurs first.
- (2) Only one (1) interim plate may be issued by a dealer to the purchaser of a motor vehicle. No additional interim plates may be issued for the motor vehicle for any reason.
- (3) Interim plates may not be utilized on a vehicle owned or in inventory of a licensed dealer.
- (4) Interim plates may not be utilized on vehicles sold on consignment by a dealer.
- (5) Interim plates assigned by the bureau of motor vehicles to any dealer may be given or sold to another registered dealer **in good standing with the bureau of motor vehicles** so long as the transfer, by interim plate control number, is recorded in ~~the~~ **each** dealer's interim plate log.
- (6) A registered dealer obtaining interim plates from another dealer must record those plates in the dealer's interim plate log by interim plate control number and name of transferring dealer.
- (7) The dealer must provide an ownership document to the purchaser at the time of issuance of the interim plate.

Readopted Rules

(8) Interim plates may not be utilized on vehicles sold to dealers at automobile auctions unless the dealer is an out-of-state dealer without metal dealer plates from the dealer's state or is an Indiana license only dealer without metal dealer plates.

(b) Requirements for the interim plate log shall be as follows:

(1) All dealers utilizing interim plates must maintain a log recording the issuance of each plate.

(2) The interim plate log shall include, but is not limited to, the following:

(A) An interim plate control number by control number sequence.

(B) The name and address of the party to whom the interim plate was issued.

(C) The make, model, and year of the vehicle to which the plate is to be affixed.

(D) The manufacturer's vehicle identification number.

(E) The date of issuance of the interim plate.

(3) All interim plates not issued by the dealer must be retained in the dealer's possession at all times.

(4) The interim plate log shall be maintained continuously for a period of three (3) years.

(c) Penalties shall be as follows:

(1) Any misuse of an interim plate may result in the limiting of the dealer's interim plate usage or suspension of the dealer's license.

(2) The dealer is subject to all criminal penalties provided by statute.

(Bureau of Motor Vehicles; 140 IAC 3.5-2-15; filed Jan 5, 1994, 5:00 p.m.: 17 IR 978)

Notice of Public Hearing

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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-82

DIGEST

Readopt rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 4-1-1

140 IAC 4-1-2

140 IAC 4-1-3

140 IAC 4-1-6

140 IAC 4-1-7

140 IAC 4-1-8

140 IAC 4-1-9

140 IAC 4-1-10

140 IAC 4-1-12

140 IAC 4-1-14

140 IAC 4-2-1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 4-1-1 Definitions

140 IAC 4-1-2 Application for school license

140 IAC 4-1-3 License term; transfer; display; replacement; changes; renewal

140 IAC 4-1-6 Name of school

140 IAC 4-1-7 Ownership of more than one school

140 IAC 4-1-8 Records

140 IAC 4-1-9 Contracts with students

140 IAC 4-1-10 Insurance coverage

140 IAC 4-1-12 Curriculum

140 IAC 4-1-14 General provisions

140 IAC 4-2-1 Waiver of age and experience requirements

Notice of Public Hearing

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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-83

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective thirty (30) days after filing with the secretary of state.

<p>140 IAC 4-1-4 140 IAC 4-1-5 140 IAC 4-1-11</p>	<p>140 IAC 4-1-13 140 IAC 4-3-1</p>
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SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 4-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-4 Location of school

Authority: IC 9-14-2-2; IC 9-27-4
 Affected: IC 9-27-4

Sec. 4. ~~Location of Commercial Driver Training Schools:~~ ~~(+)~~ **(a)** A commercial driver training school ~~which~~ **that** is properly licensed shall be allowed to conduct classroom training only in the county where the school is located. The commercial driver training school must conduct all classes and operate out of the address appearing on the application.

~~(2)~~ **(b)** In no instance shall a commercial driver training school operate in any manner from a residential dwelling.

~~(3) No commercial driver training school shall be located within three hundred (300) feet of any building or portion thereof used for the purpose of conducting driver license examinations, with the exception of those schools already licensed by the Commissioner. (Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule IV; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 270)~~

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 4-1-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-5 Office operations; classrooms; advertising

Authority: IC 9-14-2-2; IC 9-27-4
 Affected: IC 9-27-4

Sec. 5. ~~Commercial Driver Training School Office:~~ ~~(+)~~ All commercial driver training schools shall operate from an office in the following manner:

- ~~(a)~~ **(1)** The commercial driver training school license shall be placed in a conspicuous location within the office.
- ~~(b)~~ **(2)** All records pertaining to the operation of the school shall be maintained in the main office of the school and available for inspection in the presence of the owner or, after giving notice thereof, by the Commissioner or his authorized agent between the hours of 9 a.m. and 5 p.m. local time, Monday through Friday, excluding legal holidays. Refusal of

the owner or an employee to grant an inspection of the records shall be grounds for suspension or revocation.

~~(c)~~ **(3)** The telephone located in the school shall be used exclusively for the operation of the commercial driver training school.

~~(d)~~ **(4)** Sufficient indoor space to teach students the theoretical instruction relating to the rules and regulations of the road and safe driving practices shall be included within the office. The classroom shall be enclosed to eliminate any and all extraneous interference from the public. The classroom shall contain chairs and desks or tables in sufficient number to accommodate students, have adequate lighting, and be of sufficient size to comfortably accommodate the students but in no event shall the classroom contain less than two hundred and twenty-five (225) square feet of usable area. Approval of any license application shall be contingent upon approval of the classroom and office space by the commissioner or his authorized agent.

~~(e)~~ **(5)** One ~~(1)~~ employee of the school must be available from 9 a.m. to 5 p.m., Monday through Friday, to give information regarding lessons or produce the school's records in the event the commissioner or his authorized agent wishes to inspect the school. Refusal to grant an inspection will be grounds for suspension or revocation.

~~(f)~~ **(6)** The office shall not be operated in conjunction with any other business.

~~(g)~~ **(7)** The owner or operator will be permitted to list his ~~or her~~ home phone number in his ~~or her~~ advertisements provided it specifically states that the number may be called after 6 p.m.

~~(h)~~ **(8)** The owner or operator will be permitted to list his ~~or her~~ home address and phone number on his ~~or her~~ business cards.

~~(i)~~ **(9)** All commercial driver training schools wishing to **provide information electronically or** use a telephone answering service in connection with their business shall do so in the following manner: The **electronic information service or** use of the telephone answering service shall be secondary in the operation of the school. ~~and~~ **The telephone answering service** shall only be used when there is no one in the school's business office to answer the telephone.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule V; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 271)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 4-1-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-11 Vehicle standards

Authority: IC 9-14-2-2; IC 9-27-4
 Affected: IC 9-25; IC 9-27-4

Sec. 11. ~~Commercial Driver Training School Vehicles:~~ ~~(+)~~ **(a)** Every motor vehicle used for commercial driver training shall have a current Indiana registration plate and be a recent model

Readopted Rules

with not more than ~~three (3)~~ **five (5)** years having elapsed from the date of purchase. **As used in this subsection, "date of purchase" as used in this subsection shall mean means** the date of purchase listed upon the certificate of title that was received from the application using the manufacturer's certificate of origin. Every motor vehicle used for commercial driver training shall have the additional equipment as follows:

- ~~(a)~~ **(1)** One (1) operable extra foot brake.
- ~~(b)~~ **(2)** One (1) rearview mirror placed on the inside of the motor vehicle.
- ~~(c)~~ **(3)** Two (2) outside rearview mirrors, one **(1)** on each side of the vehicle.
- ~~(d)~~ **(4)** Cushions for the proper seating of students when necessary.

~~(2)~~ **(b)** Every training vehicle being operated by a student who has had less than four (4) hours of practical driving instruction must be conspicuously marked as a training vehicle.

~~(3)~~ **(c)** If, after four (4) hours of practical training, a student demonstrates suitable proficiency in operating a motor vehicle, the instructor may give instruction in a private vehicle if the student provides proof of insurance coverage:

- (1)** in at least the amount of ~~ten twenty-five~~ thousand ~~(\$10,000)~~ **(\$25,000)** because of bodily injury to or death of any one (1) person, and subject to said limit respecting one (1) person;
- (2)** in the amount of ~~twenty fifty~~ thousand ~~(\$20,000)~~ **(\$50,000)** because of bodily injury to or death of two (2) or more persons in any one (1) accident; and
- (3)** in the amount of ~~five ten~~ thousand ~~(\$5,000)~~ **(\$10,000)** because of injury to or destruction of property in any one **(1)** accident.

~~This section does not apply to students who possess valid licenses with the exception that said students must furnish proof of insurance coverage as set out in this subsection.~~

~~(4)~~ **(d)** The school vehicle identification certificate issued by the commissioner shall be carried in the vehicle at all times while driving instructions are being given. (*Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XI; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 273*)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 4-1-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-1-13 Instructor's license; qualifications

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 13. ~~Commercial Driver Training Instructor License:~~ **(+)**

(a) No person, on or after July 1, 1968, shall give commercial driver training instruction for compensation or act as a commercial driver training instructor unless he holds a valid, current commercial driver training instructor license issued by the commissioner of the Indiana bureau of motor vehicles and

unless he is employed by a licensed driver training school. This section does not apply to any full-time teachers in an accredited high school, college, or university who has among his duties the teaching of driver's education except when employed as an instructor in a commercial driver training school as set forth in the Act and in these rules and regulations.

~~(2)~~ **(b)** **Requirements for applications and applicants are as follows:**

~~(a)~~ **(1)** All applications for an instructor's license must be accompanied by a certified check or United States postal money order in the amount of ten (\$10) dollars and a notarized statement from the owner of a commercial driver training school listing ~~said the~~ applicant's name in full, ~~his~~ **the applicant's** address, and ~~stating a statement that said the~~ applicant will be employed by the school. This rule applies to original and renewal applications.

~~(b)~~ **(2)** All applicants shall be citizens of the United States of America.

~~(c)~~ **(3)** Every commercial driver training instructor shall be at least twenty-one (21) years of age and a person of high moral character.

~~(d)~~ **(4)** Every person shall hold a valid **Public Passenger Chauffeur's driver** license ~~or any license permitting the individual to transport human beings for any valuable consideration;~~ before making application for a commercial driver training instructor license.

~~(e)~~ **(5)** Each application shall be accompanied by a statement from a physician certifying mental ability, visual acuity, and that the applicant does not have any contactual diseases, hearing ailments, epilepsy, or other malady causing loss of consciousness.

~~(f)~~ **(6)** The visual acuity of an instructor shall not be less than 20/40 in either eye with or without eye glasses or other means of visual correction.

~~(g)~~ **(7)** An instructor giving practical training shall not be absent one functional eye, hand, foot, or leg.

~~(h)~~ **(8)** All instructors must successfully complete ~~(+)~~ **a** special written test, ~~(2)~~ **a** vision test, and ~~(3)~~ **a** road test, prepared and administered under the authorization of the commissioner, embracing subject matter pertinent to highway design, road signs, and the care, operation, and laws affecting the operation and traffic of motor vehicles. The contents of the written examination shall be taken from the following materials:

~~(+)~~ **(A)** The Indiana driver manual.

~~(2)~~ **(B)** Indiana motor vehicle laws.

~~(3)~~ **(C)** Indiana rules and regulations governing commercial driver training schools and instructors.

~~(4)~~ **(D)** Other sources dealing with driver education.

~~(3)~~ **(c)** **Requirements for the instructor license are as follows:**

~~(a)~~ **(1)** The instructor license shall be valid for a period of one **(1)** fiscal year beginning July 1 and ending June 30. The license

shall be valid only for the fiscal year for which it is issued and there shall be no reduction in fee in the event of application after the beginning of the fiscal year. All licenses shall expire at midnight June 30 of each fiscal year.

~~(b)~~ **(2)** Where an application is made for the renewal of a commercial driver training instructor license, the applicant may continue to give instruction in the commercial driver training school until the renewal application is granted or denied by the commissioner, provided the renewal application is properly filed with the commissioner on or before June 15 of the current license year.

~~(c)~~ **(3)** The instructor wishing to renew his **or her** license shall submit himself **or herself** for a complete reexamination every other year.

~~(d)~~ **(4)** Examinations shall be given at such time and place as the commissioner shall determine.

~~(e)~~ **(5)** The commissioner, at his discretion, may order a complete or partial reexamination of any licensed instructor at any time.

~~(f)~~ **(6)** An instructor shall have in his **or her** possession an identification card issued by the commissioner and containing information prescribed by the commissioner while acting in behalf of the school he **or she** is licensed to represent.

~~(g)~~ **(7)** The instructor's license certificate shall be maintained in file by the commercial driver training school so long as the instructor shall remain in the employ of said school.

~~(h)~~ **(8)** More than one **(1)** chargeable accident during any consecutive three **(3)** year period can make an instructor's license subject to review by the commissioner or his authorized agent.

~~(i)~~ **(9)** Any violation resulting in suspension or revocation of driving privilege shall cause the revocation of the instructor's license.

~~(j)~~ **(10)** Every commercial driver training instructor who is not licensed to operate a motor vehicle by the Indiana bureau of motor vehicles shall cause to be sent to the commissioner a certified copy of his **or her** driving record from the jurisdiction from which his **or her** license is issued. This certified record shall be filed with the commissioner before the original application will be approved and shall be filed upon each and every subsequent renewal.

(Bureau of Motor Vehicles; Driver Training Schools and Instructors Rule XIII; filed May 27, 1968, 9:30 a.m.: Rules and Regs. 1969, p. 274)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 4-3-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 4-3-1 Vision test chart (state form 27738)

Authority: IC 9-14-2-2; IC 9-27-4

Affected: IC 9-24; IC 9-27-4

Sec. 1. The bureau of motor vehicles shall use the Indiana driver's vision test chart (state form 27738), which form is incorporated by reference, to determine the vision capabilities

of an individual being tested and the guidelines to be followed for issuing vision license restrictions. The incorporation does not include any later amendments or editions. A person may obtain a copy of the incorporated vision chart by contacting:

Bureau of Motor Vehicles

Driver Examiner Division

~~401 State Office Building~~

Indiana Government Center-North

100 North Senate Avenue, Room 403

Indianapolis, ~~IN~~ **Indiana** 46204

(Bureau of Motor Vehicles; 140 IAC 4-3-1; filed Nov 9, 1983, 3:42 p.m.: 7 IR 35; errata, 7 IR 2546)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Tamara Brown, Legal Department,

Indiana Bureau of Motor Vehicles

100 North Senate Avenue, Room 440

Indianapolis, Indiana 46204

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary Gibson

Commissioner

Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-84

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 5-1-1

140 IAC 5-1-6

140 IAC 5-1-5

140 IAC 5-1-7

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 5-1-1 Definitions

140 IAC 5-1-5 Marking and displaying vehicles before auction

Readopted Rules

140 IAC 5-1-6 Approval of storage facilities or towing services

140 IAC 5-1-7 Withdrawal of approval of storage facilities

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

storage charges which exceed the limits as contained in this rule or the sale price of the vehicles, whichever is less.

(b) Charges for providing towing service for abandoned vehicles shall be the reasonable value of the service rendered according to the usual and customary charges in the community. The ~~maximum~~ amount the commissioner shall pay for normal towing service for any type vehicle **less than eight thousand six hundred (8,600) pounds gross vehicle weight** shall be ~~thirty-five not exceed fifty~~ dollars ~~(\$35)~~ **(\$50)**.

(c) The amount the commissioner shall pay for normal towing service for any type vehicle **greater than eight thousand six hundred (8,600) pounds gross vehicle weight and less than fifteen thousand (15,000) pounds gross vehicle weight** shall not exceed one hundred fifty dollars **(\$150)**.

(d) The amount the commissioner shall pay for normal towing service for any type vehicle **greater than fifteen thousand (15,000) pounds gross vehicle weight** shall not exceed five hundred dollars **(\$500)**.

(e) The commissioner, at his discretion, may pay ~~claims a claim~~ for an amount in excess of ~~thirty-five dollars (\$35)~~ **the amounts enumerated under subsections (b) through (d)**, provided the claim is presented in writing outlining the unusual circumstances and services provided.

~~(c) (f)~~ Storage charges paid by the commissioner for any type vehicle ~~may~~ **shall** not exceed the rate of ~~four ten~~ dollars ~~and twenty-six cents (\$4.26)~~ **(\$10)** per day, which may be accumulated over a period of ~~twenty-seven (27)~~ **thirty (30)** days ~~to for~~ a maximum storage charge of ~~one three hundred fifteen~~ dollars ~~(\$115)~~ **(\$300)**. The number of days shall be calculated from the day the vehicle was towed to the storage facility or released from a police hold.

~~(d) (g)~~ Claims for towing service will have first priority for reimbursement out of the proceeds of the vehicle sale. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule II; filed Jan 14, 1976, 8:43 a.m.; Rules and Regs. 1977, p. 254; filed Apr 28, 1981, 9:35 a.m.; 4 IR 899; filed Nov 21, 1989, 5:00 p.m.; 13 IR 498*)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 5-1-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-3 Terms of sale

Authority: IC 9-14-2-2; IC 9-22-1-29
Affected: IC 9-22

Sec. 3. (a) All sales of abandoned vehicles conducted by the commissioner or his duly authorized representative shall be ~~for cash;~~ **made payable by check**, certified check, or money order. ~~Businesses may present checks for payment of abandoned vehicles provided they have received written approval from the commissioner. Sales of abandoned vehicles sold under any contract shall be paid by the means specified by the commissioner.~~

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-85

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 5-1-2

140 IAC 5-1-3

140 IAC 5-1-4

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 5-1-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-2 Abandoned vehicles storage and towing charges

Authority: IC 9-14-2-2; IC 9-22-1-29
Affected: IC 9-22

Sec. 2. (a) The commissioner agrees to reimburse storage facility and towing service operators for services provided for abandoned vehicles reported to the bureau of motor vehicles and sold by the state in accordance with the provisions of the law. The commissioner in no event shall pay for towing and

(b) The bureau specifically reserves the right to withdraw from an abandoned vehicle sale any vehicle which the commissioner or his representative may reasonably believe is not bringing its fair market value. This withdrawal can be made any time prior to ~~the fall of the hammer~~ completing the sale.

(c) Vehicles sold at state auction must be removed from the premises of the auction within twenty-four (24) hours unless prior arrangements with the lot owner have been made. Vehicles not removed within the allotted time ~~will~~ **may** be subject to resale as abandoned vehicles. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule III; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 5-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-4 Report; determination of market value

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 4. (a) The commissioner shall require the completion of a prescribed abandoned vehicle report (**state form 322**) from a law enforcement officer ~~which that~~ describes the general condition and estimated value of the vehicle in accordance with guidelines determined by the commissioner. Each abandoned vehicle report submitted by law enforcement officers shall also be verified and signed by the towing service or storage facility operator as to the general condition and estimated value of the vehicle.

(b) Any storage facility or towing service operator ~~which that~~ has reason to believe that the **law** enforcement officer responsible for authorizing the vehicle to be placed in a storage facility has not completed and transmitted the abandoned vehicle report to the bureau within fifteen (15) days of receipt of the vehicle ~~shall be required to notify the bureau indicating the year and make of the vehicle; vehicle identification number; and other identifying information as the commissioner may prescribe.~~ **may contact the law enforcement agency and request that the abandoned vehicle report be submitted expeditiously.**

(c) Abandoned vehicle reports for vehicles ~~which that~~ are estimated to be valued at one hundred dollars (\$100) or less shall be accompanied by a photograph furnished either by the law enforcement officer or towing service or storage facility operator.

(d) The following descriptive characteristics will presumptively qualify vehicles to be worth one hundred dollars (\$100) or less and subject to disposition in accordance with the provisions of law:

(1) Vehicles ten (10) model years or older that have extensive deterioration to the interior or exterior of the ~~such~~ vehicle or are inoperable or are otherwise inoperable because of faulty or missing major parts.

(2) Vehicles five (5) model years or older ~~which that~~ have been extensively destroyed by fire, explosion, vandalism, or other causes, excluding traffic accidents, and are inoperable.

(e) An abandoned vehicle subject to fair market value ~~would be~~ **is**:

(1) a vehicle ~~which that~~ is in running condition and ~~would have~~ **has** a value of five hundred dollars (\$500) or more on a normal retail or wholesale lot; or

(2) a vehicle ~~which; that,~~ because of uniqueness or parts, ~~would have~~ **has** a value of five hundred dollars (\$500) or more as salvage.

(f) When active bidding ~~is occurring,~~ **occurs**, the fair market value ~~will be~~ **is** determined by the highest bid price. An exception to this ~~would be~~ **is** if, in the opinion of the auctioneer, bidders ~~were~~ **are** acting in concert to depress the price, or the high bid is grossly inadequate.

(g) When there are no bidders present, the dollar value ~~will be~~ **is** depreciated by the normal towing and storage charges of the storage lot that ~~would accrue~~ **accrues** to the date of sale up to the maximum charges allowed by regulation.

(h) All vehicles that do not bring fair market value will be pulled from the sale and auctioned at run again in the next sale at that storage facility ~~which that~~ occurs at least two (2) weeks from the original sale date. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule IV; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 499*)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

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100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204*

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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

Readopted Rules

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-86

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 6-1-1	140 IAC 6-1-12
140 IAC 6-1-2	140 IAC 6-1-13
140 IAC 6-1-3	140 IAC 6-1-14
140 IAC 6-1-4	140 IAC 6-1-15
140 IAC 6-1-5	140 IAC 6-1-16
140 IAC 6-1-6	140 IAC 6-1-17
140 IAC 6-1-8	140 IAC 6-1-18
140 IAC 6-1-9	140 IAC 6-1-19
140 IAC 6-1-10	140 IAC 6-1-20
140 IAC 6-1-11	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 140 IAC 6-1-1 Definitions
- 140 IAC 6-1-2 Application for title; contents
- 140 IAC 6-1-3 Change of name
- 140 IAC 6-1-4 Adding or removing names from title
- 140 IAC 6-1-5 Body change title
- 140 IAC 6-1-6 Delinquent fee for late application
- 140 IAC 6-1-8 Transfer of title of decedent owner
- 140 IAC 6-1-9 Police check
- 140 IAC 6-1-10 Title for vehicle previously titled
- 140 IAC 6-1-11 Procedures and requirements for application
- 140 IAC 6-1-12 Correction of assignments
- 140 IAC 6-1-13 Certificates of origin; contents; assignment
- 140 IAC 6-1-14 Dealer's title; assignment
- 140 IAC 6-1-15 Repossession title; resale
- 140 IAC 6-1-16 Salvage title; conversion; assignment; transfer
- 140 IAC 6-1-17 Motor vehicle identification number; application
- 140 IAC 6-1-18 Correction to vehicle identification number
- 140 IAC 6-1-19 Levy on mechanic's or garage lien; title
- 140 IAC 6-1-20 Stop title orders; removal

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-87

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 6-1-7

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 6-1-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 6-1-7 Duplicate titles

Authority: IC 9-14-2-2
Affected: IC 9-17

Sec. 7. **The following are** procedures and requirements for obtaining a duplicate title:

(1) In the event that certificate of title has been lost, mutilated, destroyed, or not received, the owner must apply for a duplicate title.

(2) Application for a duplicate title shall be made on a form designated by the commissioner.

(3) A duplicate title ~~supercedes~~ **supersedes** all previous titles. The duplicate must be utilized in all subsequent assignments of title.

(4) If a duplicate application is to replace a mutilated title, the mutilated title should accompany the application.

(5) A lien may be removed from the title at the time the duplicate title request is processed if the lien release documentation is verified and attached to the duplicate title application.

(Bureau of Motor Vehicles; (9-1-2-1)-6; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 136)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government

Readopted Rules

Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Indiana Bureau of Motor Vehicles
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204

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Gary Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-88

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 7-2-1	140 IAC 7-3-4
140 IAC 7-2-2	140 IAC 7-3-6
140 IAC 7-2-3	140 IAC 7-3-7
140 IAC 7-2-4	140 IAC 7-3-8
140 IAC 7-2-9	140 IAC 7-3-12
140 IAC 7-2-10	140 IAC 7-3-14
140 IAC 7-2-11	140 IAC 7-3-15
140 IAC 7-2-12	140 IAC 7-3-16
140 IAC 7-3-1	140 IAC 7-3-18
140 IAC 7-3-2	140 IAC 7-3-19
140 IAC 7-3-3	140 IAC 7-3-20

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 7-2-1 Definitions
140 IAC 7-2-2 Motorcycle learner's permit
140 IAC 7-2-3 Motorcycle temporary learner's permit
140 IAC 7-2-4 Motorcycle license endorsement
140 IAC 7-2-9 Fees for skills test
140 IAC 7-2-10 Certified motorcycle examiners; qualifications
140 IAC 7-2-11 Licensing of motorcycle training instructors
140 IAC 7-2-12 Suspension or revocation of instructor license or examiner certification

140 IAC 7-3-1 Definitions
140 IAC 7-3-2 General
140 IAC 7-3-3 Applicant
140 IAC 7-3-4 Application
140 IAC 7-3-6 Physical examination requirements
140 IAC 7-3-7 Description
140 IAC 7-3-8 Classes
140 IAC 7-3-12 Commercial driving schools approved
140 IAC 7-3-14 Examiners; suspension and revocation of certification
140 IAC 7-3-15 Fees
140 IAC 7-3-16 Exemptions
140 IAC 7-3-18 Reciprocity
140 IAC 7-3-19 Administrative hearings
140 IAC 7-3-20 Grandfather clause

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

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Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-89

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 7-2-5	140 IAC 7-3-10
140 IAC 7-2-6	140 IAC 7-3-11
140 IAC 7-3-5	140 IAC 7-3-13
140 IAC 7-3-9	140 IAC 7-3-17

Readopted Rules

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 7-2-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-2-5 Motorcycle written test

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 5. The written test offered for motorcycle license endorsement and the motorcycle learner's permit will be a common test designated as "motorcycle operators/learners test". Any person who passes the written test and obtains a learner's permit will not be required to again take the written test at the time of application for a motorcycle license endorsement. The written test will consist of twenty-five (25) questions, twenty-one (21) of which must be answered correctly. ~~The motorcycle written test must be taken and passed at each license renewal period prior to receiving a motorcycle endorsement.~~ (Bureau of Motor Vehicles; 140 IAC 7-2-5; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 7-2-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-2-6 Motorcycle skills test

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 6. The bureau of motor vehicles will utilize motorcycle skills tests that will test the applicant's ability to operate a two or three-wheeled motorcycle. Procedures and requirements for the motorcycle skills test are as follows:

- (1) The skills test shall be administered by a person certified to be a motorcycle license examiner by the commissioner. No person who has been an instructor or owner of a school offering motorcycle instruction for a fee may administer a skills test to an applicant who completed such school or course in which the examiner was an instructor or owner.
- (2) An applicant for a skills test must contact a bureau of motor vehicles license branch where such test will be scheduled as to place, time and location.
- (3) The test will contain maneuvers with a motorcycle involving stopping, turning, braking, riding through obstacles, and the testing of other areas of riding skills. The applicant must receive less than ~~13~~ **eleven (11)** penalty points to successfully pass the skills test. If the applicant is assessed ~~13~~ **eleven (11)** penalty points any time prior to the completion of the test the examination attempt will be terminated.
- (4) Any applicant who does not successfully pass the motorcycle skills test shall be eligible to take a second test on an equivalent type motorcycle on the same day or at a future date. Any person requesting a second test on the same day and at the same test site as the initial test shall be permitted, without paying an additional skills test fee, to take such test after all other scheduled applicants for that day have taken their initial test. Any person who fails the skills test for the third time must wait sixty (60) days prior to reapplying and taking the skills test.

(5) The skills test shall be taken utilizing a two or three-wheeled motorcycle.

(6) All persons must wear a helmet when taking the skills test.

(7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include information to the effect that ~~(1)~~ the applicant:

(A) understands the type of skills test to be given and believes to be qualified to take such test; and ~~(2) the applicant~~

(B) will hold the bureau of motor vehicles, the state, ~~of Indiana~~, the owners of the test site, and the motorcycle examiner harmless for any injury sustained from any accident during the test ~~which that~~ was caused by the applicant taking the test offered under reasonable conditions.

~~(8) Notwithstanding any other provision in this rule, all persons over the age of seventy-five (75) must successfully complete a motorcycle skills test in addition to the written test every three (3) years.~~

(Bureau of Motor Vehicles; 140 IAC 7-2-6; filed Apr 28, 1981, 9:35 a.m.: 4 IR 901; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 7-3-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-5 Learner's permit

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 5. (a) Any person who is a resident of ~~the state of~~ Indiana may apply for a commercial driver's license learner's permit. The applicant must:

- (1) be at least eighteen (18) years of age;
- (2) hold a valid Indiana operator's license;
- (3) meet all visual and physical examination requirements; and
- (4) pass all required knowledge tests.

(b) A valid commercial driver's license learner's permit:

- (1) shall not be valid for a period to exceed six (6) months;
- ~~(2) may only be renewed two (2) times in a two (2) year period;~~ and
- ~~(3)~~ **(2)** will allow the holder, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by the holder of a valid commercial driver's license for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(Bureau of Motor Vehicles; 140 IAC 7-3-5; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 7-3-9 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-9 Core knowledge examination

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 9. (a) The commissioner shall adopt a core knowledge examination that, upon passage, determines that the applicant has the knowledge to operate a commercial motor vehicle on the streets and highways of Indiana.

(b) The applicant must pass a core knowledge examination which shall contain not more than fifty (50) questions nor less than thirty (30) questions. The applicant must correctly answer eighty percent (80%) of the questions.

(c) If the applicant fails the core knowledge examination, the applicant may take as many additional examinations as desired, but only one (1) examination may be taken in any twenty-four (24) hour period.

(d) If the applicant passes the written test designed for bus drivers, his commercial driver's license will be restricted to "Bus Only". **The test results of a passed core knowledge examination shall be valid for a period of one (1) year from the date of the examination. Core knowledge examination test results over one (1) year old will not be considered.** (Bureau of Motor Vehicles; 140 IAC 7-3-9; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 7-3-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-10 Endorsements knowledge test

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 10. (a) Any person who is a resident of the state of Indiana, and who holds a valid commercial driver's license issued by Indiana, may apply for a commercial driver's license endorsement subject to the following:

- (1) The applicant must pass the applicable knowledge and skills test required for a specific class of license and any endorsements.
- (2) The applicant must pay the required fees as outlined in section 15 of this rule.

(b) All endorsements expire when the commercial driver's license expires.

(c) Any person who has his **or her** driving privileges suspended or revoked in Indiana or any other state shall be ineligible to apply for a commercial driver's license endorsement during the period of suspension or revocation.

(d) The hazardous materials endorsement knowledge test must be taken upon application for renewal of the commercial driver's license.

(e) If the applicant does not pass the air brake endorsement

knowledge test, he **or she** shall not operate a vehicle ~~which that~~ is equipped with air brakes.

(f) Any and all commercial driver's license endorsement tests passed, as required under this section, shall be valid for a period of one (1) year from the date of the passed test. Test results over one (1) year old will not be considered. (Bureau of Motor Vehicles; 140 IAC 7-3-10; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556)

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 7-3-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-11 Skills test

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 11. Skills test as adopted by the bureau will be used to determine the applicant's ability to operate a commercial motor vehicle of the appropriate class. Procedures and requirements for the commercial driver's license skills test are as follows:

- (1) The skills test shall be administered by a person certified by the bureau.
- (2) The location of the skills test site shall be determined by the bureau.
- (3) The applicant, in order to pass the skills test, must successfully display an ability to operate the motor vehicle for which the skills test is being given.
- (4) The applicant for each skills test must pay the fee as outlined in section 15 of this rule.
- (5) The skills test is not required to be taken at the time of renewal of a commercial driver's license unless the person desires to change to a higher classification of commercial driver's license, or to remove an air brake, or bus only restriction.
- (6) Every applicant, prior to taking the skills test, will be required to have successfully passed the core knowledge test.
- (7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include, but is not limited to, the following:
 - (A) The applicant understands the type of skills test to be given and believes to be qualified to take this test.
 - (B) The applicant will hold the bureau and the state ~~of Indiana~~ harmless for any injury sustained from any accident during the test ~~which that~~ was caused by the applicant.
- (8) An applicant shall pay the fee for the skills test to the commercial driving school.
- (9) Any person who fails the initial skills test shall not be eligible to take a second test within twenty-four (24) hours.
- (10) The results of a passed skills test shall be valid for a period of one (1) year from the date of the passed skills test. Skills test results over one (1) year old will not be considered.**

(Bureau of Motor Vehicles; 140 IAC 7-3-11; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990)

Readopted Rules

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 7-3-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-13 Certified skills test examiner; qualifications

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 13. Certified commercial driver's license examiners must meet the following qualifications:

- (1) Be twenty-one (21) years of age or older.
- (2) Possess a valid commercial driver's license, with a **Class A** classification and an endorsement for all of the skill tests that he **or** she will be certifying.
- (3) Have successfully completed a training course approved by the bureau.

(Bureau of Motor Vehicles; 140 IAC 7-3-13; filed Jun 1, 1990, 2:16 p.m.; 13 IR 1838, eff Jul 1, 1990)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 7-3-17 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 7-3-17 Renewal

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 17. (a) The holder of a commercial driver's license may make application to the bureau for renewal of his **or her** commercial driver's license no more than six (6) months prior to the expiration of his **or her** current license if:

- (1) his **or her** current commercial driver's license has not been suspended, disqualified, canceled, revoked, or invalidated; and
- (2) he **or she** has passed all required visual and physical examinations.

(b) Except as outlined in subsections (c) through (d), the core knowledge test, endorsement knowledge test, and skills test will not be required for renewal of a commercial driver's license.

(c) The hazardous materials endorsement knowledge test must be passed every four (4) years.

(d) If the commercial driver's license has been expired, disqualified, canceled, revoked, or invalidated for more than one (1) year, the holder must pass all knowledge and skills exams prior to ~~renewal~~ **issuance**. *(Bureau of Motor Vehicles; 140 IAC 7-3-17; filed Jun 1, 1990, 2:16 p.m.; 13 IR 1839, eff Jul 1, 1990)*

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Tamara Brown, Legal Department
Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary A. Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-90

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 9-1-1	140 IAC 9-1-27
140 IAC 9-1-2	140 IAC 9-1-28
140 IAC 9-1-3	140 IAC 9-1-29
140 IAC 9-1-4	140 IAC 9-2-1
140 IAC 9-1-5	140 IAC 9-2-2
140 IAC 9-1-6	140 IAC 9-2-3
140 IAC 9-1-7	140 IAC 9-2-4
140 IAC 9-1-8	140 IAC 9-2-5
140 IAC 9-1-9	140 IAC 9-2-6
140 IAC 9-1-10	140 IAC 9-2-7
140 IAC 9-1-11	140 IAC 9-2-8
140 IAC 9-1-12	140 IAC 9-2-9
140 IAC 9-1-13	140 IAC 9-2-10
140 IAC 9-1-14	140 IAC 9-2-11
140 IAC 9-1-15	140 IAC 9-2-12
140 IAC 9-1-16	140 IAC 9-2-13
140 IAC 9-1-17	140 IAC 9-2-14
140 IAC 9-1-18	140 IAC 9-2-15
140 IAC 9-1-19	140 IAC 9-2-16
140 IAC 9-1-20	140 IAC 9-2-17
140 IAC 9-1-21	140 IAC 9-2-18
140 IAC 9-1-22	140 IAC 9-2-19
140 IAC 9-1-23	140 IAC 9-2-20
140 IAC 9-1-24	140 IAC 9-2-21
140 IAC 9-1-25	140 IAC 9-2-22
140 IAC 9-1-26	140 IAC 9-2-23

140 IAC 9-2-24
140 IAC 9-2-25
140 IAC 9-2-26
140 IAC 9-2-27
140 IAC 9-3-1
140 IAC 9-3-2
140 IAC 9-3-3
140 IAC 9-3-4
140 IAC 9-3-5
140 IAC 9-3-6
140 IAC 9-3-7
140 IAC 9-3-8
140 IAC 9-3-9

140 IAC 9-3-10
140 IAC 9-3-11
140 IAC 9-3-12
140 IAC 9-3-13
140 IAC 9-3-14
140 IAC 9-4-1
140 IAC 9-4-2
140 IAC 9-4-3
140 IAC 9-4-4
140 IAC 9-4-5
140 IAC 9-4-6
140 IAC 9-4-7

140 IAC 9-2-5 Watercraft constructed by an applicant or for an applicant by another person no engaged in the manufacturer or sale of watercraft
 140 IAC 9-2-6 Watercraft acquired before January 1, 1986
 140 IAC 9-2-7 United States Coast Guard documented vessel
 140 IAC 9-2-8 Watercraft for which the transfer of ownership is by operation of law
 140 IAC 9-2-9 Watercraft sold on consignment
 140 IAC 9-2-10 Watercraft transferred as a gift, prize, or otherwise
 140 IAC 9-2-11 Watercraft abandoned on private property
 140 IAC 9-2-12 Any other watercraft
 140 IAC 9-2-13 Lack of documentation
 140 IAC 9-2-14 Application for certificate of title
 140 IAC 9-2-15 Hull identification number
 140 IAC 9-2-16 Regularity of application; payment of sales and use taxes by owner
 140 IAC 9-2-17 Temporary title and registration
 140 IAC 9-2-18 Numbering certificates of title
 140 IAC 9-2-19 Cancellation of certificate of title
 140 IAC 9-2-20 Cancellation of registration
 140 IAC 9-2-21 Delivery of certificate of title
 140 IAC 9-2-22 Lien on canceled certificate of title
 140 IAC 9-2-23 Authorized agents for manufacturers and importers
 140 IAC 9-2-24 Determination of taxation
 140 IAC 9-2-25 Police check before issuance of a watercraft title
 140 IAC 9-2-26 Refunds; corrections
 140 IAC 9-2-27 Fee for late title application
 140 IAC 9-3-1 General requirements
 140 IAC 9-3-2 Manufacturer's and importer's certificate of origin
 140 IAC 9-3-3 Dealer registration; plates and restrictions
 140 IAC 9-3-4 Temporary permits
 140 IAC 9-3-5 Dealer certificates of registration or temporary permits to be issued to a dealer or manufacturer
 140 IAC 9-3-6 Transfer dealer license
 140 IAC 9-3-7 Discount dealer license
 140 IAC 9-3-8 Determining the number of boats or watercraft sold
 140 IAC 9-3-9 Providing documentation to purchaser
 140 IAC 9-3-10 Consignment sales
 140 IAC 9-3-11 Investigation and evaluation of qualifications
 140 IAC 9-3-12 Validity of license; change of business name or location
 140 IAC 9-3-13 Denial, suspension, or revocation of the dealer license and plates
 140 IAC 9-3-14 Issuance of cease and desist order by commissioner
 140 IAC 9-4-1 Identification number
 140 IAC 9-4-2 Display of identification number
 140 IAC 9-4-3 Application for identification number

SECTION 1. UNDER IC 4-22-2.5-4 THE FOLLOWING ARE READOPTED:

140 IAC 9-1-1 Applicability
 140 IAC 9-1-2 "Auctioneer" defined
 140 IAC 9-1-3 "Bill of sale" defined
 140 IAC 9-1-4 "Boat" defined
 140 IAC 9-1-5 "Boat dealer" defined
 140 IAC 9-1-6 "Broker" defined
 140 IAC 9-1-7 "Bureau" defined
 140 IAC 9-1-8 "Conservation officer" defined
 140 IAC 9-1-9 "Consignee" defined
 140 IAC 9-1-10 "Consignment sale" defined
 140 IAC 9-1-11 "Consignor" defined
 140 IAC 9-1-12 "Dealer plates" defined
 140 IAC 9-1-13 "Dealer registration" defined
 140 IAC 9-1-14 "Discount dealer" defined
 140 IAC 9-1-15 "Distributor" defined
 140 IAC 9-1-16 "Hull identification number" defined
 140 IAC 9-1-17 "Human powered vessel" defined
 140 IAC 9-1-18 "License year" defined
 140 IAC 9-1-19 "Manufacturer" defined
 140 IAC 9-1-20 "Motorboat" defined
 140 IAC 9-1-21 "Person" defined
 140 IAC 9-1-22 "Police officer" defined
 140 IAC 9-1-23 "Probation" defined
 140 IAC 9-1-24 "Revocation" defined
 140 IAC 9-1-25 "Special dealer permit" defined
 140 IAC 9-1-26 "Suspension" defined
 140 IAC 9-1-27 "Transfer dealer" defined
 140 IAC 9-1-28 "Watercraft" defined
 140 IAC 9-1-29 "Wholesale dealer" defined
 140 IAC 9-2-1 Establishment of ownership before issuance of a certificate of title
 140 IAC 9-2-2 New watercraft purchased directly from a manufacturer or an importer through a boat dealer
 140 IAC 9-2-3 Used watercraft purchased from a boat dealer
 140 IAC 9-2-4 Used watercraft acquired from a person (other than a boat dealer, an importer, or a manufacturer)

Readopted Rules

- 140 IAC 9-4-4 Certificate of identification number
- 140 IAC 9-4-5 Dealer's and manufacturer's identification number; display
- 140 IAC 9-4-6 Livery boats
- 140 IAC 9-4-7 Renewal of identification number

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Tamara Brown, Legal Department
Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary Gibson
Commissioner
Bureau of Motor Vehicles

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #01-97

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

515 IAC 1 515 IAC 2

SECTION 1. UNDER 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 515 IAC 1 TEACHER TRAINING AND LICENSING: REQUIREMENTS FOR EDUCATION BEGUN AFTER ACADEMIC YEAR 1977-78
- 515 IAC 2 ENDORSEMENT OF SCHOOL PSYCHOLOGISTS AS INDEPENDENT PRACTICE SCHOOL PSYCHOLOGISTS

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 9, 2001 at 10:00 a.m., at the Indiana Government

Center-South, 402 West Washington Street, Conference Center Room 1, Indianapolis, Indiana the Professional Standards Board will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Indiana Professional Standards Board
Attention: Legal Affairs
251 East Ohio Street, Suite 201
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Professional Standards Board, 251 East Ohio Street, Suite 201 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Marie Theobald
Executive Director
Professional Standards Board

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-41

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

- | | |
|----------------|----------------|
| 844 IAC 11-1-1 | 844 IAC 11-4-2 |
| 844 IAC 11-1-3 | 844 IAC 11-4-3 |
| 844 IAC 11-1-4 | 844 IAC 11-4-4 |
| 844 IAC 11-1-5 | 844 IAC 11-4-7 |
| 844 IAC 11-1-6 | 844 IAC 11-4-9 |
| 844 IAC 11-4-1 | |

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 844 IAC 11-1-1 Applicability
- 844 IAC 11-1-3 "Bureau" defined
- 844 IAC 11-1-4 "Direct supervision" defined
- 844 IAC 11-1-5 "Physician" defined
- 844 IAC 11-1-6 "Professional incompetence" defined
- 844 IAC 11-4-1 Applicability
- 844 IAC 11-4-2 Confidentiality
- 844 IAC 11-4-3 Information to patient
- 844 IAC 11-4-4 Reasonable care
- 844 IAC 11-4-7 Referral fees
- 844 IAC 11-4-9 Patient complaints

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 23, 2001 at 10:30 a.m., at the Indiana Govern-

ment Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Cindy Vaught, Director
Health Professions Bureau
Indiana Respiratory Care Committee
402 West Washington Street, Room W041
Indianapolis, Indiana 46204
E-mail: cvaught@hpb.state.in.us

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Beth Anne Compton
Executive Director
Health Professions Bureau

TITLE 848 INDIANA STATE BOARD OF NURSING

LSA Document #01-105

DIGEST

Readopts and amends rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

848 IAC 1-1-14

848 IAC 3-5-1

848 IAC 5-3-1

SECTION 1. UNDER IC 4-22-2.5-3, 848 IAC 1-1-14 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 1-1-14 Fees

Authority: IC 25-1-8-2; IC 25-23-1-7
Affected: IC 25-23-1

Sec. 14. (a) The fee for licensure by examination shall be a cost equal to the fee charged by the national provider of the exam and an additional administrative fee of ~~thirty~~ **fifty** dollars (~~\$30~~) (**\$50**) for the registered nurse examination or ~~twenty~~ **fifty** dollars (~~\$20~~) (**\$50**) for the practical nurse examination.

(b) The fee for licensure by endorsement shall be ~~thirty~~ **fifty** dollars (~~\$30~~) (**\$50**).

(c) The fee for endorsement out of Indiana shall be ten dollars (\$10).

(d) The fee for licensure renewal shall be ~~seventeen~~ **a total of fifty** dollars (~~\$17~~) (**\$50**) for the biennium or any part thereof, **three dollars (\$3) of which will go toward the funding of the impaired nurses program.**

(e) The **penalty** fee for **reinstatement of a delinquent license shall be the biennial renewal fee of seventeen dollars (\$17) and an additional statutory penalty fee of ten dollars (\$10); for late renewals is as established by the health professions bureau.**

(f) The fee for a temporary permit to practice nursing as an applicant awaiting licensure by endorsement, pursuant to IC 25-23-1-10.5, shall be ten dollars (\$10).

(g) The fee for a duplicate wall certificate shall be ten dollars (\$10). (*Indiana State Board of Nursing; 848 IAC 1-1-14; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028; filed Sep 12, 1985, 3:29 p.m.: 9 IR 289; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3105*)

SECTION 2. UNDER IC 4-22-2.5-3, 848 IAC 3-5-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 3-5-1 Fees for nurse-midwives

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 1. (a) The application fee for limited licensure as a nurse-midwife shall be ~~ten~~ **fifty** dollars (~~\$10~~) (**\$50**).

(b) The fee for renewal of a nurse-midwife limited license shall be ~~ten~~ **fifty** dollars (~~\$10~~) (**\$50**).

(c) The **penalty** fee for **reinstatement of a delinquent nurse-midwife limited license shall be the renewal fee plus an additional late fee of ten dollars (\$10) for each year, or portion thereof, that the limited license is delinquent; late renewals is as established by the health professions bureau.**

(d) The fee for a duplicate nurse-midwife wall certificate shall be ten dollars (\$10).

(e) The fee for endorsement out of Indiana for a nurse-midwife shall be ten dollars (\$10). (*Indiana State Board of Nursing; 848 IAC 3-5-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2873; filed Dec 19, 1996, 10:00 a.m.: 20 IR 1123*)

SECTION 3. UNDER IC 4-22-2.5-3, 848 IAC 5-3-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 5-3-1 Fees for prescriptive authority

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 1. (a) The application fee for an advanced practice nurse to receive prescriptive authority shall be ~~ten~~ **fifty** dollars (~~\$10~~) (**\$50**).

Readopted Rules

(b) The fee for renewal of advanced practice nurse prescriptive authority shall be ten dollars (\$10).

(c) The penalty fee for late renewals is as established by the health professions bureau.

~~(c)~~ **(d)** The fee for a duplicate ~~authorization~~ **wall** certificate for advanced practice nurse prescriptive authority shall be ten dollars (\$10).

~~(d)~~ **(e)** The fee for written verification of advanced practice nurse prescriptive authority shall be ten dollars (\$10). (*Indiana State Board of Nursing; 848 IAC 5-3-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3105*)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 19, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Indiana State Board of Nursing will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Kristen Burch
Health Professions Bureau
402 West Washington Street, Room W041
Indianapolis, Indiana 46204
or via e-mail to: kburch@hpb.state.in.us*

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Beth Anne Compton
Executive Director
Health Professions Bureau

TITLE 915 VETERANS' AFFAIRS COMMISSION

LSA Document #00-333

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

915 IAC 1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

915 IAC 1 ORGANIZATION AND ADMINISTRATION

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E120, Indianapolis, Indiana the Veterans' Affairs Commission will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*IDVA
Indiana Government Center-South
302 West Washington Street
Room E120
Indianapolis, Indiana 46204*

Copies of these rules are now on file at Indiana Government Center-South, 302 West Washington Street, Room E120 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

William D. Jackson
Director
Indiana Department of Veterans' Affairs

Readopted Rules

TITLE 31 STATE PERSONNEL DEPARTMENT

LSA Document #01-42(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with secretary of state.

31 IAC 1

31 IAC 2

31 IAC 3

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

31 IAC 1 NON-MERIT EMPLOYEES

31 IAC 2 MERIT EMPLOYEES

31 IAC 3 SHORT AND LONG TERM DISABILITY BENEFITS FOR STATE EMPLOYEES

LSA Document #01-42(F)

Intent to Readopt Rules Published: March 1, 2001; 24 IR 1942

Proposed Readopted Rules Published: April 1, 2001; 24 IR 2202

Hearing Held: May 4, 2001

Filed with Secretary of State: May 4, 2001, 4:29 p.m.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #00-296(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

312 IAC 1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

312 IAC 1 DEFINITIONS

LSA Document #00-296(F)

Intent to Readopt Rules Published: January 1, 2001; 24 IR 1126

Proposed Readopted Rules Published: April 1, 2001; 24 IR 2202

Hearing Held: April 26, 2001

Filed with Secretary of State: May 8, 2001, 3:51 p.m.

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #00-297(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

345 IAC 1

345 IAC 2

345 IAC 3

345 IAC 4

345 IAC 5

345 IAC 6

345 IAC 7

345 IAC 8

345 IAC 9

345 IAC 10

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

345 IAC 1 DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS

345 IAC 2 CATTLE, GOATS, AND OTHER TUBERCULOSIS OR BRUCELLOSIS CARRYING ANIMALS

345 IAC 3 SWINE

345 IAC 4 POULTRY

345 IAC 5 SHEEP

345 IAC 6 EQUINE

345 IAC 7 LIVESTOCK DEALERS, MARKETING, EXHIBITIONS, AND SLAUGHTER LIVESTOCK

345 IAC 8 DAIRY PRODUCTS

345 IAC 9 MEAT AND MEAT PRODUCTS INSPECTION

345 IAC 10 POULTRY AND POULTRY PRODUCTS INSPECTION

LSA Document #00-297(F)

Intent to Readopt Rules Published: January 1, 2001; 24 IR 1126

Proposed Readopted Rules Published: March 1, 2001; 24 IR 1948

Hearing Held: April 26, 2001

Filed with Secretary of State: May 2, 2001, 1:45 p.m.

TITLE 828 STATE BOARD OF DENTISTRY

LSA Document #00-318(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on Decem-

Readopted Rules

ber 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

828 IAC 0.5-1	828 IAC 1-5-2
828 IAC 1-1	828 IAC 1-5-3
828 IAC 1-2	828 IAC 1-6
828 IAC 1-3	828 IAC 1-7
828 IAC 1-4	828 IAC 2
828 IAC 1-5-1	828 IAC 3

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

828 IAC 0.5-1 Definitions
828 IAC 1-1 Dentists; Licensure by Examination
828 IAC 1-2 Dental Hygienists; Licensure by Examination
828 IAC 1-3 Dentists and Dental Hygienists; Licensure by Endorsement
828 IAC 1-4 Practice of Dentistry
828 IAC 1-5-1 Approval of study clubs
828 IAC 1-5-2 Approval of organizations or individuals
828 IAC 1-5-3 Verification of attendance
828 IAC 1-6 Dental Hygienists; License Renewal
828 IAC 1-7 Inactive Dental License
828 IAC 2 DENTAL PROFESSIONAL CORPORATIONS
828 IAC 3 ANESTHESIA AND SEDATION

LSA Document #00-318(F)

Intent to Readopt Rules Published: January 1, 2001; 24 IR 1130

Proposed Readopted Rules Published: March 1, 2001; 24 IR 1962

Hearing Held: April 6, 2001

Filed with Secretary of State: April 11, 2001, 3:21 p.m.

TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE

LSA Document #00-324(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

857 IAC 1-1	857 IAC 1-3
857 IAC 1-2	857 IAC 2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

857 IAC 1-1 Definitions
857 IAC 1-2 Continuing Education
857 IAC 1-3 Application and Renewal of Indiana Optometric Legend Drug Certificate
857 IAC 2 FORMULARY FOR LEGEND DRUGS

LSA Document #00-324(F)

Intent to Readopt Rules Published: January 1, 2001; 24 IR 1132

Proposed Readopted Rules Published: March 1, 2001; 24 IR 1970

Hearing Held: April 11, 2001

Filed with Secretary of State: April 24, 2001, 10:21 a.m.

TITLE 868 STATE PSYCHOLOGY BOARD

LSA Document #00-325(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

868 IAC 1.1-1	868 IAC 1.1-10.1
868 IAC 1.1-2	868 IAC 1.1-11
868 IAC 1.1-4	868 IAC 1.1-12-4
868 IAC 1.1-5-2	868 IAC 1.1-13
868 IAC 1.1-5-8	868 IAC 1.1-14
868 IAC 1.1-7-5	868 IAC 1.1-15

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

868 IAC 1.1-1 General Definitions
868 IAC 1.1-2 The Board of Examiners
868 IAC 1.1-4 Educational Qualifications for Certification
868 IAC 1.1-5-2 Failure to appear for examination; effect
868 IAC 1.1-5-8 Limited license holders
868 IAC 1.1-7-5 Competence
868 IAC 1.1-10.1 Endorsement
868 IAC 1.1-11 Code of Professional Conduct
868 IAC 1.1-12-4 Duplicate license or renewal cards
868 IAC 1.1-13 Health Service Providers
868 IAC 1.1-14 Disciplinary Actions
868 IAC 1.1-15 Continuing Education

LSA Document #00-325(F)

Intent to Readopt Rules Published: January 1, 2001; 24 IR 1133

Proposed Readopted Rules Published: March 1, 2001; 24 IR 1970

Hearing Held: April 20, 2001

Filed with Secretary of State: April 23, 2001, 11:30 a.m.

TITLE 898 INDIANA ATHLETIC TRAINERS BOARD

LSA Document #00-329(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

898 IAC 1-1-1	898 IAC 1-2-4
898 IAC 1-1-2	898 IAC 1-2-5
898 IAC 1-1-3	898 IAC 1-4
898 IAC 1-1-3.1	898 IAC 1-5-1
898 IAC 1-1-5	898 IAC 1-5-2
898 IAC 1-1-6	898 IAC 1-5-3
898 IAC 1-1-7	898 IAC 1-5-4
898 IAC 1-1-9	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

898 IAC 1-1-1 Applicability
898 IAC 1-1-2 "Allied setting" defined
898 IAC 1-1-3 "Board" defined
898 IAC 1-1-3.1 "CAAHEP" defined
898 IAC 1-1-5 "Health care facility" defined
898 IAC 1-1-6 "NATA" defined
898 IAC 1-1-7 "NATABOC" defined
898 IAC 1-1-9 "Supervision" defined
898 IAC 1-2-4 License renewal
898 IAC 1-2-5 Abandoned application
898 IAC 1-4 Supervision
898 IAC 1-5-1 Regulatory compliance
898 IAC 1-5-2 Professionalism
898 IAC 1-5-3 Financial gain
898 IAC 1-5-4 Sportsmanship

*LSA Document #00-329(F)**Intent to Readopt Rules Published: January 1, 2001; 24 IR 1135**Proposed Readopted Rules Published: March 1, 2001; 24 IR 1972**Hearing Held: April 17, 2001**Filed with Secretary of State: April 18, 2001, 3:35 p.m.*
